

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS FOR FISCAL YEAR 2016

WEDNESDAY, MARCH 11, 2015

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 2 p.m., in room SD-124, Dirksen Senate Office Building, Hon. Lindsey Graham (chairman) presiding.

Present: Senators Graham, Kirk, Blunt, Moran, Boozman, Lankford, Daines, and Murphy.

PROTECTING RELIGIOUS FREEDOM ABROAD COMMITTEE ON INTERNATIONAL JUSTICE AND PEACE OF THE U.S. CONFERENCE OF CATHOLIC BISHOPS

STATEMENT OF BISHOP OSCAR CANTÚ, CHAIRMAN

OPENING STATEMENT OF SENATOR LINDSEY GRAHAM

Senator GRAHAM. Thank you all for coming. We are going to do something that I think is a first, starting ahead of time, 1 minute ahead of schedule.

I want to thank the panel, which I will introduce in a second. My partner, Senator Leahy, is on the floor managing the Justice for Human Trafficking bill. And he will try to get here, but that is a responsibility that he needs to implement.

I want to acknowledge Senator Leahy and his longtime staff director and partner in appropriations, Tim Rieser. Senator Leahy is well known throughout the world for being a champion of human rights. The Leahy amendment is one of probably the most well-known provisions in our law.

I know that Senator Leahy shares my concern about what is going on with religious persecution, and the general deterioration of world order.

So I will introduce the panel just in a second, but I would like to make a brief statement.

I have been asked by a lot of people in South Carolina and throughout the country: what is going on in the world? They see on television things that they cannot believe exist in 2015. This is not 1015; this is 2015.

As I speak, people are being crucified. People are being burned alive. They are being beheaded. And their only offense is that they have a different religious perspective than the radical Islamists

who are trying to purify their faith, who are commanded by God, under their view of religion, to kill or convert every Christian they can find, to destroy the State of Israel, and destroy everything that we hold sacred and dear.

Thousands of years of art being smashed with a sledgehammer. Women being raped and sold into captivity, and taken as trophies of war, because in their religious interpretation or view, they can do so.

This hearing is the first in a long journey I will take along with my colleagues to shed light on what I think is one of the most barbaric periods in modern history. And if America doesn't shed this light, who will?

The beauty of our Constitution and our way of life is that we have bought into a simple construct. I will insist on worshipping God or not at all upon my terms, and I will convey that same right to you. That is the way it works in America.

The people we are fighting, ISIL and other associated groups, have one of the darkest views of religion and humanity of anyone since the Nazis. As the Nazis pursued a master race, these radical Islamic groups are pursuing a master religion.

It is up to us, the good people of the world, not the perfect people of the world, but the good people of the world, to do something about it. It is going to take force of arms, but it is going to take more than that. It is going to take the moral authority that comes with our cause, speaking without equivocation and acting on our words.

So, this is 2015, and it is hard to believe that we find ourselves where we do.

The internal struggle between good and evil is alive and well today. Let it be said that we chose the path of good.

Here's a quote from Martin Niemöller, I think is his name, I hope I didn't butcher his name, a very famous Protestant pastor who emerged as an outspoken public critic of Adolf Hitler and spent the last 7 years of Nazi rule in a concentration camp.

Pastor Niemöller is best remembered for a quote that goes something like this: "First they came for the socialist, and I did not speak out, because I was not a socialist. Then they came for the trade unionist, and I did not speak out, because I was not a trade unionist. Then they came for the Jews, and I did not speak out, because I was not a Jew. Then they came for me, and there was no one left to speak for me."

Let us remember that good counsel and advice, and speak out before they come for us, because what they will do to people of religious differences in the Mideast, they will do to us.

As to the Christian community in the Mideast, they are not the only one being oppressed, by any means. But I think they are the canary in the coalmine.

One of the oldest religious minorities in the Mideast, the Yazidis, and other religious minorities, are suffering mightily.

This hearing today is to shed light on what we are doing, what we can do, and what we should do, and how to do more of it.

So to my colleagues who are in attendance, thank you. We have a terrific panel.

And at this time, I would like to introduce our panel: Ambassador David Saperstein, the Ambassador-at-Large for International Religious Freedom at the Department of State; Tony Perkins, president of the Family Research Council; Jay Sekulow, chief counsel at the American Center for Law and Justice; and Bishop Oscar Cantú, Bishop at Los Cruses, New Mexico, and chairman of the Committee on International Justice and Peace, U.S. Conference of Catholic Bishops.

Thank you all for being in attendance, and I look forward to your testimony.

And, Bishop, we will start with you.

SUMMARY STATEMENT OF BISHOP OSCAR CANTÚ

Bishop CANTÚ. Chairman Graham, Ranking Member Leahy, and distinguished members of the subcommittee, thank you for inviting the Conference of Catholic Bishops to testify. I am Bishop Oscar Cantú, chair of the Committee on International Justice and Peace. My remarks will focus on the Middle East, where religious minorities face systematic persecution by the so-called Islamic state, or ISIL.

I ask that our longer written testimony be entered into the record.

The U.N. identified close to 2.5 million internally displaced persons across Iraq in February 2015, and in Syria, over 7.5 million internally displaced and almost 4 million who had fled the country. The U.N. reports that in 2014, there were over 11,000 civilian deaths in Iraq.

All of these deaths and displacements were not due solely to religious persecution, but to the weakening of the rule of law and the corresponding rise of extremist groups, which made it possible for religious persecution to grow.

In Syria and Iraq, religious persecution is a distinct crisis within a wider crisis. The U.N. has concluded that Iraq's diverse ethnic and religious communities have been intentionally and systematically targeted by ISIL, with the aim of destroying, suppressing, or expelling these communities permanently. Grim statistics are only part of the story.

I made a solidarity visit to the Kurdish region of Iraq in January. Our hotel in Erbil overlooked the St. Elias Chaldean Catholic Chapel. The small chapel compound was packed with tents. An elderly woman came up to us with tears in her eyes as she recalled escaping the attack by ISIL. She now lives in poverty in a tent.

Imagine the trauma, the sense of loss. In one tent, two families and 11 persons were huddled against the cold. In Dohuk, we met a displaced Yazidi father, a 34-year-old policeman, who shared the story of his flight on foot to Mount Sinjar, where they spent 12 days hiding in the hot summer. His family of eight now live in one room. Five other families share the building.

Nearby at a church compound, two Christian families live in a former classroom with virtually no worldly possessions beyond clothes and blankets. They offered us coffee, a hospitable gesture of normalcy in a situation that is anything but normal.

The suffering church is also the servant church. Caritas Iraq, in partnership with Catholic Relief Services, is operating child-friend-

ly spaces to help children deal with trauma. They are winterizing unfinished buildings as shelters and distributing carpets, blankets, kerosene heaters, and cash assistance. The distributions were calm and orderly, despite the desperate circumstances.

I especially appreciated my meeting with Archbishop Warda of Erbil and Bishop Warduni of Baghdad. These courageous shepherds are guiding their flocks through tragic times.

We urge the U.S. Government to adopt five key policies. First, our Government must confront the crisis within a crisis. In addition to addressing the Syrian civil war and Iraqi sectarian violence, our Nation must work with others to protect pluralism through supporting education, interfaith dialogue, the rule of law, and impartial judicial systems.

Passage of the Frank Wolf International Religious Freedom Act of 2015 would improve the ability of our Nation to advance religious freedom globally.

Secondly, it is licit for the international community to use force to stop these unjust aggressors. But the use of military force must be proportionate and discriminate, and employed within the framework of international and humanitarian law.

Third, military force alone is not adequate to address the challenge of violent extremism. It's critical to address political exclusion and economic desperation that are exploited by ISIL. Sunni marginalization in both Iraq and Syria created fertile soil for the growth of ISIL.

In Syria, efforts to engage the government and mainstream rebels in negotiations on inclusive governance need real attention.

Fourth, our Nation must scale up humanitarian and development assistance, and also deliver assistance through trusted non-governmental organizations (NGO), including faith-based organizations like Catholic Relief Services, development that enables young people to look to the future with hope and parents to support their families in dignity, and help inoculate populations against extremism.

For this reason, you must not rob Peter to pay Paul in the international assistance budget. Today's desperation can become tomorrow's extremism. We support robust funding of the assistance accounts listed in our written testimony.

And fifth, Pope Francis has said a Middle East without Christians would be a marred and mutilated Middle East. We agree. Nevertheless, we must acknowledge that some will be unable to return to their homes.

Our Nation needs to accept, for resettlement, a fair share of some of the most vulnerable people where return to their homes is impossible.

With the images of destitute families seared into my memory, I cannot forget those suffering religious persecution in the Middle East. Neither should our Nation.

Thank you.

[The statement follows:]

PREPARED STATEMENT OF BISHOP OSCAR CANTÚ

Chairman Graham, Ranking Member Leahy and distinguished members of the subcommittee, thank you for inviting the United States Conference of Catholic Bishops to offer testimony today on a high priority concern for us, religious persecu-

tion. My testimony will focus on the Middle East where Christians and other religious minorities are facing systematic and horrendous persecution at the hands of the so-called “Islamic State” or ISIL.

Just yesterday, the 35 bishops of the Administrative Committee of our Conference issued a statement in which they said: “Upon learning of the death of 21 Coptic Christians at the hands of ISIL terrorists, Pope Francis called their murder a ‘testimony which cries out to be heard.’ . . . The testimony of those 21 brave and courageous martyrs does not stand alone as thousands of families—Christian and other religions—find themselves fleeing from horrific violence. . . . We urge all people of goodwill to work toward protections of the marginalized and persecuted.” I am here to reiterate that plea.

HUMANITARIAN CATASTROPHE

The numbers of persons and families impacted by the rampage of ISIL is staggering. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) identified close to 2.5 million internally displaced persons (IDPs) across Iraq in February 2015.¹ That same month in Syria OCHA identified over 12 million people in need of humanitarian assistance, almost 4 million who had fled the country as refugees, and over 7.5 million internally displaced.²

The U.N. estimates that the Syrian civil war, now entering its fifth year, has killed 220,000 persons. In Iraq, the U.N. reports that “[f]rom the beginning of January until 10 December 2014, at least 33,368 civilians casualties have resulted from the ongoing violence, including at least 11,602 killed and 21,766 wounded.” Of course, all of these casualties and forced displacements are not due solely to religious persecution, but the weakening of the rule of law and the corresponding rise of extremist groups, many associated with ISIL, created the conditions where religious persecution could grow malignantly like a cancer unchecked. In Syria and Iraq, religious persecution is a distinct crisis within a wider crisis.

The U.N. in Iraq received “reports of serious violations of international humanitarian law and gross human rights violations and abuses perpetrated by ISIL,” including: “attacks directly targeting civilians and civilian infrastructure, executions and other targeted killings of civilians, abductions, rape and other forms of sexual and gender-based violence perpetrated against women and children, slavery and trafficking of women and children, forced recruitment of children, destruction or desecration of places of religious or cultural significance, wanton destruction and looting of property, and denial of fundamental freedoms.”

Ominously, the U.N. concluded: “In particular, members of Iraq’s diverse ethnic and religious communities, including Turkmen, Shabaks, Christians, Yazidi, Sabaeans, Kaka’i, Faili Kurds, Shi’ite Arab, and others have been intentionally and systematically targeted by ISIL and associated armed groups and subjected to gross human rights abuses, in what appears as a deliberate policy aimed at destroying, suppressing or expelling these communities permanently from areas under their control.”³ Similar persecution and abuses by ISIL are widely reported in Syria. It should be added that Sunni Muslims who disagree with ISIL’s radical ideology are often targeted for violence and intimidation, and many of them, including Sunni Kurds, have tried to protect persecuted minorities.

HUMAN CONSEQUENCES

These statistics, as grim as they are, only tell part of the story. In January of this year, I made a solidarity visit to the Kurdish region of Iraq. Our hotel in Erbil, the capital of Kurdistan, overlooked St. Elias Chaldean Catholic Chapel. The small Chapel compound was packed with tents, home to 116 families and 560 persons who had fled the mainly Christian city of Qaraqosh to the south in August of 2014. On the final day of our visit, I celebrated Mass in the Chapel. An elderly woman came up to one of the members of our delegation after Mass with tears in her eyes as she recalled escaping the attack by ISIL militants. She now lives in poverty in a tent. Imagine the trauma, the sense of loss, the disorientation. In one tent two families and 11 persons were crammed into the tight living space, huddled against the cold.

At the Shariya Collective in the Dohuk Governorate we met a displaced Yazidi father who shared his family’s story. He was a 34-year-old policeman. His family

¹ Iraq Crisis Situation Report No. 33 (21–27 February 2015).

² <http://www.unocha.org/syria> Data source: OCHA (as of February 2015).

³ Report on the Protection of Civilians in Armed Conflict in Iraq: 11 September–10 December 2014, Office of the High Commissioner for Human Rights, U.N. Assistance Mission for Iraq (UNAMI).

of eight fled on foot and walked for hours to Mount Sinjar where they spent twelve days hiding and foraging for food in very hot summer conditions. Kurdish fighters helped them get to Kurdistan. His family, including his mother, wife and children now live in one room. Five other families are in the same building. He hopes to return to his ancestral village when security allows.

At another Church compound near Dohuk, two related Christian families who had fled Mosul shared one room, a former classroom, as their temporary home. The man and his brother, with virtually no worldly possessions beyond clothes and blankets, offered us coffee, a traditional gesture of hospitality and normalcy in a situation that is anything but normal.

The suffering Church of Iraq is also the servant Church. With incredible compassion and commitment, the local Church is reaching out through Caritas Iraq, in a strong partnership with Catholic Relief Services (CRS), to all in need. We traveled to Dohuk and the region surrounding the city where Caritas and CRS are running extensive programs for displaced Yazidis, Muslims and Christians. Many of the staff are themselves displaced persons.

In the Dohuk area, CRS and Caritas are operating child-friendly spaces to help children deal with trauma in a safe environment and experience some normality. We visited a number of unfinished structures that CRS has helped to winterize with windows, doors and plastic sheeting, creating warmer homes in the face of the harsh winter weather. We witnessed long lines of displaced families receiving winterization items, including carpets, blankets, kettles, and kerosene heaters, containers and vouchers. We talked to people at another site receiving cash assistance based on the size of their families. The distributions were calm and orderly despite the desperate circumstances. We commend the Office of U.S. Foreign Disaster Assistance (OFDA) for their rapid and generous support of CRS' efforts.

We met many Yazidis from Sinjar and Christians from Mosul who had fled ISIL with little more than the clothes on their backs. Their stories were haunting, but their gratitude was deep. Not only were they receiving assistance, they were being treated with human dignity.

Whenever I got the opportunity I assured displaced families of the prayers, support and advocacy of the Church in the United States. Time and again, I promised to bring back their stories and their hopes for peace.

IMPLICATIONS FOR U.S. POLICY

As a bishop, I especially appreciated the opportunity to meet with Archbishop Bashar Matti Warda of Erbil, Bishop Raban Al Qas of Zakho and Amadiya, and Bishop Shlemon Warduni, Auxiliary Bishop of the Patriarchate of Babylon in Baghdad. Bishop Warduni had addressed our full body of bishops in June 2012. These courageous shepherds are guiding their flocks through incredibly difficult days. They asked for our prayers and promised theirs. They also affirmed our advocacy work with the Government of the United States.

We were frequently told that Iraq needs international military assistance to protect its people from the onslaught of ISIL. At the same time, they asked our Nation to support Iraq in working for an increasingly inclusive government so that extremists cannot exploit Sunni exclusion and marginalization. It goes without saying that they begged our Nation to provide robust humanitarian and development assistance.

Our Conference of Bishops urges the U.S. Government to adopt five key policies in response to the rise of ISIL and religious persecution in the Middle East:

1. Confront the reality of religious persecution in the Middle East, where Christians are beheaded "for the mere fact of being Christians" and other religious minorities suffer similarly at the hands of extremists;
2. Recognize that it may be necessary for the international community to use proportionate and discriminate force to stop these unjust aggressors and to protect religious minorities and civilians within the framework of "international and humanitarian law;"
3. Acknowledge that the problem cannot be resolved solely through a military response and that it is critical to address political exclusion and economic desperation that are being manipulated by ISIL in its recruitment efforts, especially in Syria and Iraq;
4. Scale up humanitarian and development assistance to host countries and trusted non-governmental organizations (NGOs), including our own Catholic Relief Services, that are struggling to aid displaced persons; and
5. Accept for resettlement a fair share of some of the most vulnerable people where return is impossible.

Allow me to elaborate on each one.

1. Religious Persecution

Our Government must name and confront the reality of religious persecution in the Middle East, where Christians are beheaded “for the mere fact of being Christians” and other religious minorities suffer similarly at the hands of extremists. It is critical that in addition to addressing the wider conflicts in the Middle East, including the civil war in Syria and sectarian violence in Iraq, that our Nation work with other nations, particularly those in the region, to support initiatives to promote education, pluralism, tolerance and respect. Support for intercultural education and interfaith dialogue, as well as investments in strengthening the rule of law and impartial judicial systems, are critical to reestablishing pluralistic societies respectful of religious freedom and human rights.

Resisting religious persecution and promoting religious freedom are important not only for Christians and other religious minorities in the Middle East. They are critical for those societies as a whole. In a letter to Christians in the region, Pope Francis asserted: “You can help your Muslim fellow citizens to present with discernment a more authentic image of Islam, as so many of them desire, reiterating that Islam is a religion of peace, one which is compatible with respect for human rights and favors peaceful coexistence on the part of all. This will prove beneficial for them and for all society. The tragic situation faced by our Christian brothers and sisters in Iraq, as well as by the Yazidi and members of other religious and ethnic communities, demands that all religious leaders clearly speak out to condemn these crimes unanimously and unambiguously, and to denounce the practice of invoking religion in order to justify them.”⁴

Religious persecution may begin with religious minorities, but it does not end there. An entire society is at risk when fundamental rights are denied to any group. Attacks on religious and ethnic minorities are attacks on the health of an entire society. The rights of all Syrians, Iraqis, Libyans and others in the region are at risk from the current situation. Our Nation must do more to protect civilians, especially religious minorities, to address political and economic exclusion that extremists exploit, and to assist refugees and internally displaced persons who have fled for their lives.

The realities facing religious minorities around the world demonstrate the need for a renewed and refocused approach to addressing religious freedom. Passage of The Frank R. Wolf International Religious Freedom Act of 2015 (H.R. 1150) by this Congress would represent a first step in improving “the ability of the United States to advance religious freedom globally through enhanced diplomacy, training, counterterrorism, and foreign assistance efforts, and through stronger and more flexible political responses to religious freedom violations and violent extremism worldwide.”

2. Responsibility to Protect

Pope Francis and the Holy See have reiterated on a number of occasions that it is “licit” to use force to stop these unjust aggressors and to protect religious minorities and civilians from these horrendous attacks. They have emphasized that the use of military force must be proportionate and discriminate, and employed within the framework of “international and humanitarian law.” Given our Nation’s history of military engagement in the region, an engagement that has contributed to Shia-Sunni tensions and weakened the rule of law, the United States must be particularly careful as it employs force to do so in close collaboration with international and local partners.

3. Diplomacy and Political Engagement

Pope Francis has argued: “In reaffirming that it is licit, while always respecting international law, to stop an unjust aggressor, I wish to reiterate, moreover, that the problem cannot be resolved solely through a military response.” The international community needs to remember that military force alone is not adequate to address the challenges posed by violent extremism and religious persecution. It is critical to address political exclusion and economic desperation that are being manipulated by ISIL in its recruitment efforts, especially related to Syria and Iraq. Sunni exclusion and marginalization in both Iraq and Syria, combined with a weakening of the rule of law in the wake of the war in Iraq and the civil war in Syria, created fertile soil for the growth of ISIL. As ISIL recruits fighters from foreign countries, they often rally young recruits to the cause of defending Sunni Islam from perceived and real threats.

The United States should lead international diplomatic efforts to encourage inclusive governance in both Iraq and Syria. We are grateful for the way the United

⁴Pope Francis, Letter to the Christians in the Middle East, December 21, 2014.

States has worked with Iraqi officials to encourage the formation of an inclusive government in Iraq that respects human rights and religious freedom for all. Although Iraqis still face challenges in this regard, the task of building inclusive governance remains essential. The same must be done in Syria and Libya.

In Syria, efforts to engage both the government and mainstream rebels in meaningful negotiations on a transition toward inclusive governance respectful of the rights of both majorities and minorities have never gotten enough serious attention and support. Such an initiative is critical to marginalize and overcome ISIL. A year and a half ago, the Administrative Committee of the U.S. bishops noted: “A humanitarian catastrophe is unfolding in Syria. We call upon our Nation and the international community to save lives by pressing for serious dialogue to end the conflict, by refraining from fueling further violence with military attacks or arms transfers, and by offering more humanitarian assistance.”⁵ The failure to press for serious dialogue then created space for the rise of ISIL. But it is never too late to engage in diplomacy and political solutions.

4. Humanitarian and Development Assistance

Given the magnitude of the crisis and the depth of basic human needs, our Nation must scale up humanitarian and development assistance to host countries that are struggling to aid displaced persons. In addition, it is important to deliver both humanitarian and development assistance through trusted NGOs, including faith-based organizations like Catholic Relief Services, who are close to displaced populations.

We must recognize that investments in international assistance not only alleviate human suffering, they are also investments in peace. Pope Francis maintains, “Fanaticism and fundamentalism . . . need to be countered by . . . solidarity” that rests “on the following pillars: respect for human life and for religious freedom . . . ; commitment to ensuring what each person requires for a dignified life; and care for the natural environment.”

Improvements in economic life that enable young people to look to the future with confidence and parents to support their families in dignity help inoculate populations against the false promises of extremism. This is particularly true in failing states and developing countries in which extremism has taken or may take root.

The number of people affected by humanitarian crises today is staggering. The U.N. estimates 77.9 million people need humanitarian assistance in 2015. For this reason we ask Congress not to “rob Peter to pay Paul” in the international assistance budget. Today’s desperation can exploited to become tomorrow’s extremism. We urge you to support International Disaster Assistance, Migration and Refugee Assistance, and Emergency Refugee and Migration Assistance. As you know, not only in Syria and Iraq, but also in surrounding countries, humanitarian organizations, the U.N. and local communities are struggling to provide adequate humanitarian assistance. Overwhelmed by the influx of refugees, Jordan and Lebanon have begun to tighten their borders, pushing more refugees to flee in rickety boats across the Mediterranean, often losing their lives.

In the Occupied Palestinian Territories, many people rely on the international community for their everyday survival. Unemployment, especially among young adults, is unacceptably high in both the West Bank and Gaza, contributing to suffering and instability. More than 100,000 people are without housing in Gaza as a result of the latest conflict. Poverty and desperation in the Palestinian Territories are not good for ordinary Palestinians or for Israeli security. We urge you to continue funding to assist the poor and marginalized there.

In places like the Central African Republic and South Sudan, humanitarian intervention and peacebuilding efforts would be impossible without United Nations or regional peacekeepers. Those peacekeepers are saving lives and need help to improve their efforts.

Thanks in part to robust intervention by the United States, the international community is winning the struggle against Ebola. Yet much work remains to enable the affected communities to recover and children to return to school. The crisis has taught the international community a valuable lesson: that strengthening health systems globally not only protects the dignity of millions, but also is a valuable investment in preventing and containing future outbreaks. Support for infectious disease control is critical for the same reason.

Support for Development Assistance and specific aspects of economic support funds that reduce poverty and enhance the dignity of families improves stability and immunizes populations against extremism. Approximately \$0.5 billion of the Devel-

⁵ Statement on Syria, Administrative Committee, United States Conference Of Catholic Bishops, September 10, 2013.

opment Assistance request includes a long-overdue scaling up of investments in Honduras, El Salvador, and Guatemala, where tens of thousands of children and vulnerable families continue to flee violence and crushing poverty. It is essential that we address these root causes of migration.

In all of these programs it is critical to preserve the important role of faith-based organizations through conscience clauses that prohibit discrimination in funding as well as through other provisions that ensure their unique contribution in serving the poor.

We know there are many budget demands and limitations. We support you in working across the aisle and with the President to find a long-term solution to our rising national debt, but strongly urge you to preserve the less than 1 percent of the Federal budget that reduces global poverty and the desperation that contribute to suffering, conflict and extremism. Reductions in the less than 1 percent of the budget devoted to helping the poorest and most vulnerable people in our world would not have a significant impact on deficit reduction, but would have a profound impact on the lives of people in desperate situations at a time of increased need. Together with Catholic Relief Services, the Conference of Bishops supports these poverty-reduction development and humanitarian accounts:

Agency	Account	Amount (\$ in thousands)
USAID	Maternal Health and Child Survival (including vaccines)	770,000
USAID	Nutrition	120,000
USAID	Vulnerable Children (orphans and displaced children)	30,000
USAID	HIV/AIDS	330,000
DOS/PEPFAR	HIV/AIDS (State Funding/PEPFAR)	5,670,000
USAID	Malaria, TB, other infectious diseases, and pandemic diseases	1,078,000
USAID	Development Assistance	2,999,694
USAID/OFDA	International Disaster Assistance	2,100,000
DOS/PRM	Migration and Refugee Assistance	3,300,000
DOS/PRM	Emergency Refugee and Migration Assistance	100,000
MCC	Millennium Challenge Corporation	1,250,000
DOS/IO	Contributions to International Peacekeeping	2,930,223
DOS/IO	Peacekeeping Operations	495,200
DOS/IO	Peace Operations Response Mechanism	150,000

5. *Resettlement*

In January, in his address to the diplomatic corps, Pope Francis declared, “A Middle East without Christians would be a marred and mutilated Middle East!”⁶ Church leaders at all levels hope and pray for the day when Christians can return to their ancestral lands. The historic Christian presence in the Middle East is important religiously, and is critical for the pluralism and development of societies in the region. In my visit to Iraq, I met many refugees and internally displaced persons who shared the hope of return.

At the same time, we must acknowledge that some families and individuals will be unable to return to their homes. Our delegation to Iraq also met with some very vulnerable refugees and displaced Syrians and Iraqis who will not be able to return to their homes. Some have health conditions, others have lost a bread winner, and still others are orphaned. The most vulnerable of this population need to have the option of resettlement to a third country. The United States needs to accept for resettlement a fair share of some of the most vulnerable people where return is impossible, and it needs to expedite the processing of their resettlement. This should include the consideration of in-country processing for vulnerable Iraqis.

CONCLUSION

Religious persecution in the Middle East must be confronted directly and strongly with comprehensive and far reaching strategies: encouraging intercultural education and interreligious exchanges and rejection of extremist ideologies; strengthening the rule of law; using proportionate and discriminate force to protect religious minorities and civilians within the framework of “international and humanitarian law; addressing political exclusion and economic desperation that are exploited by extremists; scaling up humanitarian and development assistance to host countries and trusted NGOs; and accepting for resettlement a fair share of some of the most vulnerable people where return is impossible.

⁶ Address to the Diplomatic Corps, Pope Francis, January 12, 2015.

Near the conclusion of my visit to Iraq, Bishop Warduni thanked us for coming and demonstrating solidarity with the people and Church of Iraq at this time of persecution and conflict. He promised that they would not forget us. With the images of destitute refugees and displaced families seared into my memory, I cannot forget those suffering religious persecution in the Middle East. Neither should our Nation.

Senator GRAHAM. Thank you.
Mr. Sekulow.

AMERICAN CENTER FOR LAW AND JUSTICE

STATEMENT OF JAY SEKULOW, CHIEF COUNSEL

Mr. SEKULOW. Chairman Graham, Ranking Member Leahy, who I understand has other business, but I appreciate his concern over this issue, and other members of this distinguished subcommittee, thank you for calling this hearing.

Senator, on behalf of the American Center for Law and Justice and over 166,000 people who have contacted us just in the last week regarding this issue, thank you having this hearing and thank you for allowing me to testify.

The issue of religious persecution is prevalent to minority faiths within the Middle East region, there is no doubt. My testimony is going to focus primarily on the plight of Christians and others in two countries that are allies of the United States, Turkey and Pakistan; and also discuss the situation in Iran; and then briefly mention, as the bishop has already done eloquently, the situation with the Islamic state.

I would like to first cover, if I can, the fact that, Chairman Graham, you and I discussed this earlier this week, and I am going to quote your words because I think these are the words that should be at the heart of what we are talking about, that we are facing today a religious genocide in the Middle East by ISIS and other groups destroying Christian populations that have existed for 2,000 years.

One of the cornerstones of humanity is the fundamental right to religious freedom and belief. Following the atrocities of the Holocaust, after World War II, the international community responded by a series of actions, one of those was the establishment of the Universal Declaration of Human Rights, Article 18 of which says, everyone has the right to freedom of thought, conscience, and religion.

And I would point out that the international community has formalized these in a series of actions, including the International Covenant on Civil and Political Rights. Iran is a signator. Pakistan is a signator to these international obligations.

Yet, despite their signatures to the covenants and to the Declaration of Human Rights, there has been a consistent pattern of denying fundamental rights.

Islamic-based countries have often attempted to subject international norms to their view of Sharia law, which is paramount within that culture. The United Nations has expressed that these limitations violate the very institutions and the very instruments that these governments have signed. But nevertheless, the policy maintains as is.

Iran, Turkey, and Pakistan voted in favor of the Universal Declaration of Human Rights without any reservation whatsoever.

Iran, Senator, as many of you know, we have a troubling situation for Christians in Iran. I could talk from a firsthand prospective, as we represent the interests of the Abedini family. Saeed Abedini has been in jail now for 3 years almost.

His crime was and is that he is a Christian. They said it was a violation of the Iranian Government through their mock judicial process—a faux judiciary, I call it—accused him of violating national security interests because he had house churches that met for prayer, worship, and study.

Iran is silently suffocating the church. Even private worship comes at a heavy price. Iran, as I said, convicted American citizen Saeed Abedini. He's representative of hundreds of others.

I do want to thank personally here Ambassador Saperstein for meeting with the family of Saeed Abedini, Naghmeh, his wife, and also the President for meeting with Naghmeh and her two children. It was reassuring to know that there is a concern at the highest levels.

Having said that, at the close of 2014, 92 Christians that we know of remained in prison in Iran. There are hundreds of others that we don't know of, and, of course, mass executions. That is Iran.

Turkey, our NATO ally, struggles to recognize the religious rights of minorities, and that is being kind. Turkey denies recognition of the Ecumenical Patriarch of the Greek Orthodox Church. I represent that church globally. The clergy cannot even leave the compound of the patriarch with clerical garb. They are not allowed to build new churches. They are not allowed to repair existing churches. This takes place at the same time that, in 2007, three employees of a Bible publishing house had their hands tied, legs tied, throats slit, and killed. And the five individuals involved in that, who were arrested, have now been released from jail in Turkey, our NATO ally.

Disturbingly, now, of course, it has been reported and confirmed that Turkey has increased its ties with Hamas, which is a group that is bent on persecuting Jews. That is our ally, Turkey.

Pakistan, another ally, blasphemy laws create an ongoing problem for Christians in the region. Asia Bibi is a Christian mother of five. She remains on death row for offering water to a Muslim, a coworker of hers.

After advocating for reform, the governor of the area was assassinated and killed.

We have an office that operates in Lahore, Pakistan. Our affiliate in Pakistan is representing a 7-year-old Christian girl who was raped and kidnapped by her Muslim neighbors and no prosecution for those that are known to have done this, zero.

Finally, with regard to the Islamic state, it changes on an hourly basis. Just a few weeks ago, we reported on the 21 Coptic Christians who were killed. That was followed up by hundreds of Assyrian Christians that were taken. And just a few days ago, another village was taken with additional Christians.

And, Chairman, as you said, Senator Graham, crucifixions, beheadings in 2015 should not be the way in which the civilized world operates.

With regard to recommendations, we have those in our written submission, which I request be made a part of the record. But there are some things that are being done, and some things that need to be done.

We need ensure that our allies abide by universal declarations they signed off on. If they don't, there needs to be a penalty for that, and that penalty needs to be that they don't get U.S. dollars if they are knowingly, willfully, and consciously violating religious liberty and religious rights.

We need to increase the role of the Ambassador-at-Large for Religious Freedom. I think it plays a key role that we now have, again, another Ambassador. Rabbi Saperstein has been a friend of mine for a long time.

I have no doubt, with the right funding and the right positioning and the right acceptance within the State Department, he will be able to fulfill an important role.

And finally, Senator, I want to thank you again and the subcommittee. Having this hearing goes a long way in solving this problem.

And thank you for that, Senator. Thank you, members.
[The statement follows:]

PREPARED STATEMENT OF JAY ALAN SEKULOW

I. INTRODUCTION

Chairman Graham, Ranking Member Leahy, and distinguished members of the subcommittee, on behalf of the American Center for Law and Justice (ACLJ) and our global affiliates, and over 150,000 of our members who have signed our petition to protect persecuted Christians, thank you for allowing me to come before you to discuss the rapidly increasing persecution of Christians throughout the world. Please also allow me to thank you and your staff for holding this hearing to be a voice for persecuted religious minorities. With the ACLJ's ongoing legal representation of Christians throughout the world who are persecuted for their faith, we are keenly aware of the vital importance of today's hearing.

Christianity was born in Bethlehem, now the West Bank, but quickly spread through people like the Assyrians and Armenians—those who flourished in ancient Mesopotamia, spreading Christianity in what we now call the Near East and modern-day Turkey. Eastern Christian traditions believe that Christianity existed throughout parts of South Central Asia as early as 52 AD.¹ But despite the deep rooted history of Christianity in the Near East and South Central Asia, over the last century, the Christian Church's anguish at the catastrophic decline of Christianity in the region is palpable. The "lion's share" of persecution faced by Christians arises in countries where Islam is the dominant faith. But let me be clear, the "lion's share" of persecution faced by Muslims also arises in countries where Islam is the dominant faith. There has been a mass exodus of Christians from these regions due to increasing levels of Christian persecution. In the Near East alone, estimates place between a half and two-thirds of all Christian populations have left the region or been killed in the past century. Of course this threat has grown as of late with the intentional targeting of Christians by the Islamic State in Syria and Iraq.

My prepared remarks today will focus on the growing trends of religious persecution brought either through government restrictions or social hostilities that lead to discrimination, persecution, and all too often murderous actions towards religious minorities. While the issue is prevalent for other minority faiths, because of the ACLJ's work for Christians around the world my testimony will primarily focus on the growing persecution of the Christian community in those countries where the ACLJ's work can offer the most informed material for this hearing. Thus, I will focus my testimony on persecution in the Islamic Republic of Iran, the Republic of

¹ Some Christians in India claim that the Apostle Thomas converted their ancestors near 52 AD. Though there is no scientific evidence of Apostle Thomas's visit to India, historians report that around 180 AD a Gospel of Matthew written in the Hebrew language was found in India, which was left with the Christians there by St. Bartholomew.

Turkey, at the hands of the Islamic State in the Syrian Arab Republic and the Republic of Iraq, and finally, the Islamic Republic of Pakistan.

The varying degrees of persecution in these countries range from the violent beheadings at the hands of the Islamic State in Syria and Iraq, to imprisonment and persistent intimidation in Iran, to desecration and confiscation of Christian properties in Turkey. But as Pope Francis recently said, “Even those Christians who are forced away in an ‘elegant’ way, with ‘white gloves’: that too is persecution.”²

II. INTERNATIONAL STANDARDS FOR FREEDOM OF RELIGION AND BELIEF

After the horrors of World War II, a global consensus emerged demanding the international community protect each individual’s human dignity and fundamental rights. The atrocities committed against specific ethnic and religious groups had shown that governments could gravely fail in their duty to protect the life and liberty of their citizenry. Emerging from this context, countries voted in favor of the Universal Declaration of Human Rights (“UDHR”) as a non-binding but aspirational Declaration of the rights of humanity.³

One of the cornerstones of humanity is the fundamental right to religion or belief. The right to freedom of religion or belief, as defined by international standards, is a wide-ranging right covering a large number of distinct yet interrelated protections. Internationally, the primary instruments outlining this protected right are article 18 of the UDHR, article 18 of the International Covenant on Civil and Political Rights (“ICCPR”),⁴ and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (“1981 Declaration”).⁵

One of the articulated protections of this freedom is the freedom to practice the religion of one’s choice free from any coercion. The UDHR sets forth, in article 18, the principle that “everyone has the right to freedom of thought, conscience and religion,” and clearly articulates that such a right “includes freedom to change his religion or belief and freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practise, worship and observance.”⁶ Article 18 of the ICCPR states that everyone’s right to freedom of religion or belief includes the “freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private.”⁷ Paragraph 2 of Article 18 bars coercion that would impair this right, “including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert.”⁸ Article 1 of the 1981 Declaration states that “[t]his right shall include freedom to have a religion or whatever belief of [one’s] choice” and that “[n]o one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.”⁹ The right to change one’s religion is absolute and is not subject to any limitation whatsoever. Any legislation that would prohibit or limit the right to change one’s religion would be contrary to international human rights standards.¹⁰ This includes any “[p]olicies or practices having the same intention or effect, such as, for example, those restricting political rights

² Pope: *There Are More Christian Martyrs Today than Ever*, VATICAN RADIO, (June 30, 2014), http://en.radiovaticana.va/news/2014/06/30/pope_there_are_more_christian_martyrs_today_than_ever/1102363.

³ Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948). Note that almost all Islamic countries have also signed the Cairo Declaration of Human Rights in Islam. Cairo Declaration on Human Rights in Islam: World Conference on Human Rights, Aug. 5, 1990, U.N. GAOR, 44th Sess., Agenda Item 5, U.N. Doc. A/CONF.157/PC/62/Add.18 (1993). Article 10 of the Cairo Declaration seems to limit the right of conversion, and bounds all human rights to compliance with Shariah law.

⁴ International Covenant on Civil and Political Rights (ICCPR), adopted Dec. 16 1966, G.A. Res. 2200A (XXI), U.N. Doc A/6316 (1966), 999 U.N.T.S. 171.

⁵ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, G.A. Res. 36/55, U.N. GAOR, 36th Sess., Supp. No. 51, U.N. Doc. A/RES/36/55 (Nov. 25, 1981) [1981 Declaration]. Iraq expressed a collective reservation on behalf of the Organization of Islamic Conference (now the Organization of Islamic Cooperation) that the vote of these bloc countries in favor of this non-binding declaration was limited to those provisions that were not contrary to Shariah law or to any legislation or act based on Islamic law.

⁶ UDHR, *supra* note 3, art. 18.

⁷ ICCPR, *supra* note 4, art. 18(1).

⁸ *Id.* art. 18(2).

⁹ 1981 Declaration, *supra* note 5, art. 1.

¹⁰ HUMAN RIGHTS COMMITTEE, General Comment no. 22, the right to freedom of thought, conscience, and religion (Art. 18), U.N. Doc. CCPR/C/21/Rev.1/Add.4, ¶¶ 3, 5 (1994) [hereinafter HRC General Comment No. 22].

protected under article 25 of the ICCPR or access to education, medical care or employment.”¹¹

The right to manifest one’s religion includes the right to worship and assemble, whether in private or in public;¹² to establish physical places of worship;¹³ to establish religious education institutions; to worship in “a particular language customarily spoken by a group”;¹⁴ to write, issue, and disseminate relevant publications in these areas;¹⁵ and to train, appoint, elect, designate, or replace appropriate religious leaders and teachers.¹⁶ While the scope of freedom afforded to persons to manifest their religion or belief is wide, certain limitations can be imposed in exceptional circumstances when done in accordance with article 18, paragraph 3, of the ICCPR. Such limitations must be specified by law and be “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”¹⁷ These limitations must not be “applied in a manner that would vitiate the rights guaranteed in article 18” of the ICCPR.¹⁸ Interpreting the allowance for limitations on the right to manifest one’s religion, the U.N. Human Rights Committee (now the Human Rights Council) held that limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition or religion.¹⁹

Islamic-based countries have often attempted to subject this right to Shariah law, or limited the manifestation of religious minorities under the guise that their practice threatens the country’s national security. But the United Nations, interpreting the obligations under the ICCPR, has stated that concerns for national security are not grounds to limit the manifestation of religion.²⁰ Furthermore, a state religion recognized either officially or in practice “shall not result in any impairment of the enjoyment of any of the rights under the [ICCPR], . . . nor in any discrimination against adherents to other religions or non-believers.”²¹ Similarly, “imposing special restrictions on the practice of other faiths [is] not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under ICCPR article 26.”²² Finally, even if “a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of ruling parties, etc., or in actual practice, this shall not result in any impairment of the freedoms under article 18 or any other rights recognized under the ICCPR nor in any discrimination against persons who do not accept the official ideology or who oppose it.”²³ Thus, the existence of a state religion cannot be a basis for discriminating against or limiting any rights of adherents of other religions or non-believers.

Finally, the obligation to protect religious freedom extends beyond a country’s obligations to its citizens. International human rights standards require a country to protect the rights to “all individuals within its territory and subject to its jurisdiction” and to do so “without distinction of any kind,” including distinctions based on religion.²⁴

III. LACK OF RELIGIOUS FREEDOM IN THE ISLAMIC REPUBLIC OF IRAN

Today in Iran, Christians make up less than .04 percent of the overall population.²⁵ Two categories of Christians compose this small percentage: ethnic and non-ethnic. The ethnic Christians consist mainly of Armenians and Assyrians (or Chaldeans). Non-ethnic Christians, for the most part, are converts to Christianity. While historically, the Iranian Government has granted ethnic Christians some religious rights, in recent years, the ethnic Christians have faced increased levels of

¹¹ *Id.* ¶5.

¹² ICCPR, *supra* note 4, art. 18(1).

¹³ HRC General Comment No. 22, *supra* note 10, ¶4.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ ICCPR, *supra* note 4, art. 18(3).

¹⁸ HRC General Comment No. 22, *supra* note 10, ¶8.

¹⁹ *See Id.* ¶8.

²⁰ *Id.*

²¹ *Id.* ¶9.

²² *Id.*

²³ *Id.* ¶10.

²⁴ ICCPR, *supra* note 4, art. 2(1); *see also* UDHR, *supra* note 3, art. 2 (“Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as . . . religion. . . .”).

²⁵ See Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report for 2013: Iran*, U.S. DEPT. ST. (2014) (reporting that 300,000 Christians live in Iran), <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>; *The World Factbook*, CENT. INTELLIGENCE AGENCY (2013), <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> (estimating Iran’s total population at 78,868,711).

persecution and discrimination. But, by and large, non-ethnic Christians face the higher levels of persecution and discrimination in Iran.

Persecution of Christians in Iran comes primarily at the hands of government officials, though there are some reported cases of societal hostility against the non-ethnic and evangelical Christians. Despite allegations by the Iranian Government that its laws respect and recognize the Christian community, the Christian community in Iran faces systemic and systematic state persecution and discrimination.

The Constitution of the Islamic Republic of Iran (“Constitution”) states that Islam (Twelver Ja’fari school of Islamic jurisprudence) is the nation’s official religion.²⁶ Accordingly, all Iranian laws must be derived from and consistent with Islamic law.²⁷ Under the Constitution, Christianity is one of the three legally recognized religious minorities in Iran. Through this recognition, ethnic Christians maintain the right, at least in principle, to exercise their faith.²⁸ Article 13 of the Constitution states: “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, *within the limits of the law*, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.” As interpreted by the Iranian Government, these rights pertain only to ethnic Christians in Iran who act within the limits of the law, including non-codified principles of Islamic law.

The Iranian Government is quick to cite provisions of its Constitution that protect religious freedom for minority faiths,²⁹ but in reality these provisions protect only ethnic minorities who stay within the bounds of Shariah law, and who close off their religious practices to anyone outside the ethnicity. Even so, the actions of the Iranian Government towards the Christian minority violate not only Iran’s Constitution, but also numerous international treaty obligations to which Iran has solemnly agreed to be bound.

Besides its domestic laws that purport to protect religious minorities, Iran voted in favor of the Universal Declaration of Human Rights, ratified the International Covenant on Civil and Political Rights (without reservation), and voted in favor of the 1981 Declaration (with reservation).³⁰ As addressed above, within each of these international laws, Iran has obliged itself to protect *every individual’s* right to religious freedom, expression, peaceful assembly, to be free from arbitrary detainment, to be free from discrimination on the basis of religion, and to have a fair trial in the presence of an impartial tribunal.

Iran has shown utter disrespect for these obligations when it comes to its treatment of religious minorities in Iran. Recently, at least one news source reported that Iran’s Judiciary Chief, Ayatollah Sadegh Larijani has “criticized the Universal Declaration of Human Rights” and stated that Iran made a mistake when it voted for the Declaration.³¹

The human rights situation for the Christian minority in Iran has regressed to the lowest levels we have seen since the early days of the Islamic revolution.³² Just days ago, U.N. Secretary General Ban Ki-moon stated that

Members of ethnic and religious minority groups [in Iran] continue to face persecution, including arrest and imprisonment, the denial of economic op-

²⁶ QANUNI ASSASSI JUMHURI ISLAMAI IRAN [THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN] 1980, art. 12.

²⁷ *Id.* art. 4.

²⁸ *Id.* art. 13 (emphasis added).

²⁹ Concerning freedom of thought, conscience, and religion, Article 23 of the Constitution provides that the “investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.” *Id.* art. 23. Article 26 of the Constitution grants the recognized ethnic religious minorities the freedom to form associations, such as churches. The Constitution also dictates respect for the human rights of non-Muslims, but qualifies this protection by stipulating that “this principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.” *Id.* art. 14. Notably, prosecutors often bring charges against Christians, asserting that their Christian activities amount to crimes such as “propaganda against the Regime” and “acting against national security.” See generally U.N. Special Rapporteur on Human Rights to Iran, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, U.N. Doc. A/HRC/22/56 (Feb. 28, 2013) [hereinafter SR 2013 Report].

³⁰ See UDHR, *supra* note 3 (voted on Dec. 10, 1948); ICCPR, *supra* note 4 (entered into force March 23, 1976, ratified by Iran in 1975); 1981 Declaration, *supra* note 5 (joined the bloc reservation that its vote was limited to those provisions consistent with Shariah law).

³¹ *The Head of Iran’s Judiciary: the Universal Declaration Mistakenly Joined*, BBC PERSIA (Persian) (Feb. 2, 2012), http://www.bbc.co.uk/persian/iran/2012/02/120202_123_sadeq_larijani_iran_un_human_rights.shtml.

³² U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, ANNUAL REPORT 2013, at 74 (2013) [hereinafter USCIRF Report 2013], available at [http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf).

portunities, expulsion from educational institutions, deprivation of the right to work, and closure of businesses and the destruction of religious sites, such as cemeteries and prayer centres. Individuals seeking greater recognition for their cultural and linguistic rights risk facing harsh penalties, including capital punishment.³³

Corresponding with the increase of persecution in recent years, government officials, including a President of Iran, and influential Muslim clerics have repeatedly demonized and called for the suppression of Christianity.³⁴ Various religious and political leaders, including Iranian Supreme Leader Ayatollah Ali Khamenei,³⁵ have publicly declared Christians to be enemies to Islam and enemies to Iran.³⁶ The governor of Tehran, Morteza Tamadoon, referred to Christians as “‘deviant’ and ‘corrupt’ and vowed to identify and detain more.”³⁷ Evangelical Christians have been characterized as terrorists, being backed by foreign enemies, and likened to the Taliban.³⁸ Such demonization reflects the government’s true sentiments towards Christianity and the official policy at the roots of religious persecution in Iran.

Counter to its obligations under the ICCPR, the Iranian Government has recently taken systematic measures that restrict the right of religious assembly and right to manifest the Christian faith in the believers’ spoken language. By the end of 2013, the Iranian Government had closed all Farsi-speaking government-approved churches and almost all Farsi-speaking services offered in government-approved churches that operate in a couple of languages (Armenian, Assyrian, etc.). The four remaining small elderly congregations that operate in Farsi operate under very strict guidelines. These congregations are forbidden from baptizing new members, and every week during their religious service, someone from the ministry of Intelligence monitors church attendance and disallows any new Farsi-speaking non-members from entering the church. No Farsi Christian literature or Bibles may be sold, provided, or given away by the church. The leadership of these small congregations has been put under such severe government pressure to leave the country or to close their church that many have left the country. Through these restrictions, the government is silently suffocating the remaining churches through severe restrictions on their finances, restrictions on their ecumenical fellowship (with the wider global church as well as between the remaining churches in Iran), an inability to train new leaders, and an intentional scarcity of Christian literature and scriptures in Farsi. The lack of freedom to gather with like-minded Christian believers without threat or intimidation has made even recognized ethnic religious minorities feel as though they are “second class citizens.”³⁹ and both categories of Christians are a far cry from realizing religious liberty.

The Iranian Government has effectively forced Farsi-speaking Christians to move underground, worshiping in secret in private homes, but doing so comes at the risk of being detained and imprisoned for acts against national security. A member of the Assembly of Experts classified house churches as “against the national security” of Iran.⁴⁰ While meeting peacefully for religious gatherings in private homes is legal in Iran, the government frequently charges Christians with national security charges based on such legal gatherings. In fact, the Government of Iran convicted American citizen Saeed Abedini of intentionally threatening the Government of Iran solely because he had prayed with Christians in private homes. Pastor Saeed is presently serving an 8-year prison sentence under horrendous conditions and is suffering from untreated internal injuries that he obtained from beatings he endured

³³ ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH COMMISSIONER AND THE SECRETARY-GENERAL, SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN, U.N. Doc. A/HRC/28/26, ¶45 (2015), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/28/26.

³⁴ President Ahmadinejad called for an end to Christianity in Iran. U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, ANNUAL REPORT 2013, at 76 (2013) [hereinafter USCIRF Report 2013], available at [http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf).

³⁵ *Id.* at 74.

³⁶ “Ayatollah Ahmad Jannati, head of the Guardian Council, referred to them as ‘sinful animals’ and ‘corrupt.’” U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, ANNUAL REPORT 5 (2013) [hereinafter USCIRF Report 2013], available at [http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf).

³⁷ U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, ANNUAL REPORT 86 (2012) [hereinafter USCIRF Report 2012], available at [http://www.uscirf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/Annual%20Report%20of%20USCIRF%202012(2).pdf).

³⁸ *Id.*

³⁹ USCIRF Report 2012, *supra* note 36, at 82.

⁴⁰ INTERNATIONAL CAMPAIGN FOR HUMAN RIGHTS IN IRAN, THE COST OF FAITH 26 (2013) [hereinafter THE COST OF FAITH], available at http://www.iranhumanrights.org/2013/01/cost_of_faith.

since his arrest. After reviewing his arrest and detention, the United Nations ruled his detention “arbitrary” and in violation of numerous international covenants.⁴¹

While international law prohibits arbitrary arrest and detention, this is one of the most regularly used methods of persecution against the Christian minority. At the close of 2014, 92 Christians remained detained or imprisoned by the Iranian regime. These are only the *known* cases, in which the victim and/or the victim’s family has consented to the case being known to the public. Many Christians are threatened that if they seek legal counsel or speak of their detainment, more harm will come to them and their family; thus, 92 likely is a very low estimate of the actual number. Additionally, this number does not reflect the hundreds of Christians who have been arrested and released, but who remain under the intimidation of their case being brought to trial should they return to their Christian activities. Those Christians who are eventually released from detention regularly face exorbitant bail amounts, often requiring the deed to their family home be turned over to the government. In many cases the government never brings their case to trial leaving the charges and the property put up for bail hanging over Christians as a form of intimidation.

Many Christian converts have reported that their interrogators applied various means of coercion, including threats of execution, to force them to revert back to Islam, while other Christians have reported that they were forced to sign affidavits swearing that they would no longer participate in Christian activities in order to secure their release. Additionally, they are threatened with criminal prosecution, physical and psychological abuse, and the arrest or threat of harm to family members to pressure them to stop participation in Christian activities publicly or privately.⁴²

The U.N. Special Rapporteur on Human Rights in Iran reported that of the 221 individuals he interviewed for his 2012 report for the General Assembly who had been arbitrarily detained,

[a]pproximately 73 percent . . . alleged that they were blindfolded during interrogations; 58 percent reported the use of prolonged solitary confinement; 62 percent reported intimidation of family members for the purpose of placing pressure on the target of interrogations; 78 percent stated that they were beaten during interrogations; and 8 percent reported being hung from ceilings for the purpose of soliciting confessions. Moreover, 64 percent of those interviewed alleged that they were denied adequate access to a lawyer after the investigative phase of their case, and another 82 percent stated that they believed that the judge had already made up his mind about their case, and that he was being directed by the Prosecutor’s Office.⁴³

Many Christians are detained for months on end without ever knowing the formal charges against them. For example, after arresting him on December 26, 2010, Iranian authorities held Farshid Fathi for roughly 12 months without a formal indictment.⁴⁴ A year after his arrest, in his first appearance before a court, Judge Salavati informed Farshid Fathi of his charges: acting against national security, contact with enemy countries, and possessing religious propaganda.⁴⁵ In April 2012, the court sentenced Fathi to 6 years imprisonment, which he is currently serving.

Non-ethnic Christians, those who convert to Islam also face frequent threats of execution for their conversion to Christianity. In 2009, Pastor Youcef Nadarkhani was convicted and sentenced to death as an apostate. After spending almost 3 years in prison under the threat of execution, the Iranian Government released Pastor Nadarkhani on September 8, 2012, but only after a large international campaign for his release. As further evidence of Iran’s animus toward Christians, Iranian authori-

⁴¹ Opinions adopted by the Working Group on Arbitrary Detention at its sixty-seventh session, U.N. Doc. A/HRC/WGAD/2013 (Oct. 21, 2013).

⁴² THE COST OF FAITH, *supra* note 40, at 45.

⁴³ U.N. Special Rapporteur on Human Rights to Iran, *Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*, U.N. Doc. A/67/369, ¶¶ 5, 46 (Sept. 13, 2012) [hereinafter SR Sept. 2012 Report], available at <http://www.shaheediran.org/english/dr-shaheeds-work/latest-reports/3078-special-rapporteur-s-september-2012-report-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran.html>.

⁴⁴ THE COST OF FAITH, *supra* note 40, at 45. The ACLJ is also in contact with a close family friend of Farshid Fathi and has verified this account.

⁴⁵ See generally VOICE OF THE MARTYRS, http://www.persecution.com/public/newsroom.aspx?story_ID=NTIy.

ties rearrested Pastor Nadarkhani on Christmas Day of that same year and imprisoned him for an additional 2 weeks before again releasing him in January 2013.⁴⁶

In December 1990, the Iranian Government executed Hossein Soodmand for apostasy, evangelizing to Muslims, and serving as pastor of a church for converts from Islam.⁴⁷ At least one prominent human rights attorney in Iran has shared with the ACLJ that during the beginning of 2012, he successfully defended 19 Christians who were formally charged with apostasy.

On numerous other occasions, judges have urged prosecutors to pursue apostasy convictions against defendants even when the charge was not officially before the court.⁴⁸ The ACLJ has on file a 2008 Iranian ruling against Pastor Behnam Irani, who was charged with “acting against national security,” but during his trial the judge noted that Pastor Irani was an apostate and that a new case should be brought against him seeking his execution. Many Christians, though never formally charged with apostasy, have been threatened with execution for choosing Christianity during their detention and interrogations.

Several Christians have reported their expulsion from secondary school and university programs because of their religion.⁴⁹ Iran’s admission regulations for higher education mandate that “education authorities must deny admission to an ‘enemy of the Islamic Republic’ or those who ‘repudiate to be morally corrupt.’”⁵⁰ Thus, converts to Christianity, who have been demonized as morally corrupt and enemies of the state, are regularly denied entrance to or expelled from educational institutions.

In violation of Article 28 of the Iranian Constitution, employers often discriminate against Christians upon finding out about an employee’s conversion. Under Iranian law, it is mandatory that employment applications ask for the applicant’s “religion” and as a result, it is nearly impossible for Christians, especially Protestants, to avoid discrimination.⁵¹

Iran’s mechanism of persecution, though often less gruesome than other Islamic extremists, such as the Islamic State, represents a slow strangling of the Christian community within its borders. Through Iran’s demonization and systematic oppression of Christians in Iran, it hopes Christians will ultimately be eradicated from the region.

IV. STRUGGLES FOR RELIGIOUS FREEDOM IN TURKEY

Turkey, which by many is considered to be a moderate Muslim state that has succeeded in establishing democracy,⁵² struggles to recognize the rights of its religious minorities. Turkey has ratified the ICCPR, but done so with limited reservations that have allowed it to limit religious freedom.⁵³ Under the push for a completely secular form of government, Turkey has enacted policies that violate the right of religious minorities to establish places of worship.⁵⁴ The Norwegian Helsinki Committee found in their report on religious freedom in Turkey, the government has denied 670 buildings being used for worship a “place of worship” status.⁵⁵ Almost 600 of the buildings that have been denied “place of worship” status are houses of worship for the Alevi minority.⁵⁶ Based on the opinion of Turkey’s Direc-

⁴⁶ Lisa Daftari, *Christian Pastor Nadarkhani Freed from Jail in Iran after Christmas Day Arrest*, FOX NEWS (Jan. 7, 2013), <http://www.foxnews.com/world/2013/01/07/christian-pastor-nadarkhani-released-form-iranian-prison/>.

⁴⁷ THE COST OF FAITH, *supra* note 40, at 32.

⁴⁸ See *id.*

⁴⁹ THE COST OF FAITH, *supra* note 40, at 68.

⁵⁰ *Id.* at 68 n. 306.

⁵¹ *Id.* at 12.

⁵² See, e.g., Peter Kenyon, *The Turkish Model: Can It Be Replicated?*, NPR (Jan. 6, 2012, 12:01 AM), <http://www.npr.org/2012/01/06/144751851/the-turkish-model-can-it-be-replicated> (noting that, in the context of the Arab Spring, “many [were] looking to Turkey as an example of a modern, moderate Muslim state that works.”).

⁵³ *Status of Treaties, Ch. IV Human Rights, 4. ICCPR Status*, UNITED NATIONS TREATY COLLECTION, (7 Mar. 2014, 5:03 PM), http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en. In ratifying the ICCPR, Turkey reserved the right “to interpret and apply the provisions of Article 27 . . . in accordance with the related provisions and rules of the Constitution”—but Article 27 is a crucial tool for protecting the religious freedom of minorities as it provides that religious “minorities shall not be denied the right, in community with the other members of their group . . . to profess and practise their own religion.” ICCPR, *supra* note 4, art. 27.

⁵⁴ See HRC Comment No. 22, *supra* note 10, ¶4.

⁵⁵ NORWEGIAN HELSINKI COMM., THE RIGHT TO FREEDOM OF RELIGION OR BELIEF IN TURKEY 25 (2013), available at <http://inancozgurlugugirisimi.org/wp-content/uploads/2014/01/NHC-1%CC%87O%CC%88G-FoRB-Report-Eng.pdf>.

⁵⁶ *Id.*

torate of Religious Affairs, many of the Alevi's applications are denied because "the places of worship [for] Muslims are mosques."⁵⁷ Therefore, the government prevents those who belong to the unrecognized Alevi religious minority from worshiping in their own facilities because they are considered Muslims for whom the only recognized place of worship is a mosque.⁵⁸

The Greek Orthodox Church in Turkey has faced similar struggles. Ecumenical Patriarch Bartholomew is the head of the Greek Orthodox Church and the spiritual leader of all the world's 250+ million Orthodox Christians.⁵⁹ In 1923 and 1970, the Istanbul Governorate issued decrees dictating who might become Ecumenical Patriarch and the manner in which he must be elected.⁶⁰

These decrees stated that candidates and electors must all be of Turkish citizenship and that the Governor of Istanbul would have the power to strike any name from the list of candidates he may deem unfit.⁶¹ With the Orthodox population of Turkey plummeting over the last century to just a few thousand, these restrictions thus represent an existential threat to this ancient institution.

In 2011, then-Prime Minister Erdogan issued an executive reform statement waiving the 5-year residency requirement for Orthodox hierarchs wishing to apply for Turkish citizenship,⁶² seemingly solving the problem of the dwindling Orthodox population in today's Turkey. While this was a positive step forward, this reform fell far short of full resolution of this ongoing problem. The discretionary nature of the decree means that it can be rescinded at any time, as illustrated by the fact that while 21 hierarchs have been awarded citizenship under this policy since 2011, five have been denied citizenship with no reason given.⁶³ Further, it is not clear that an executive decree from Ankara can override local policies of the Istanbul Governorate under the current constitutional structure.⁶⁴

Turkey also restricts the ability for all faith groups to obtain "legal personality" and thus religious communities, including the Orthodox, are unable to buy property, hold title to property, or press claims in court as a community.⁶⁵ In theory, individuals from a faith group can register an association or foundation for the group,⁶⁶ but the utility of these vehicles is significantly restricted in reality.⁶⁷ For instance, Turkey's civil code prevents foundations from being formed with the purpose of supporting a particular religious community.⁶⁸ The only exception allowed is for religious foundations previously established under the 1923 Lausanne Treaty, which precludes newer faith groups from creating foundations.⁶⁹ Therefore, the foundation vehicle is not a viable alternative to legal personality for faith groups. An association is considered by some to be a better option than a foundation, but this vehicle is also inadequate. Associations are often hampered by significant bureaucratic obstacles,⁷⁰ subject to broad regulations formulated for other types of associations, and may even be restricted by Turkey's Constitution if the government interprets it as prohibiting associations formed specifically for religious purposes.⁷¹

The lack of legal personality has been incredibly troubling for the Orthodox faith. Refusing to recognize the Ecumenical Patriarchate as the global leader of the Orthodox faith, the Government of Turkey calls the Patriarchate the "Rum Patrikhanesi"—the Patriarch of the Romans (Byzantines)—or sometimes even just the Bishop of the Fenir District of Istanbul.⁷² But after a 2008 victory at the Euro-

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ See Paul Nathanail, *The Ecumenical Patriarchate of Constantinople*, GREEK ORTHODOX ARCHDIOCESE OF AM., <http://www.goarch.org/ourfaith/ourfaith8880> (last visited Mar. 9, 2015).

⁶⁰ See A. Suat Bilge, *The Fener Greek Patriarchate*, PERCEPTIONS: J. INT'L AFF., Mar.-May 1998, at 75, 78, 82.

⁶¹ *See id.*

⁶² CONSTANTINE G. CARAS, ORDER OF ST. ANDREW, THE STATUS AND ISSUES OF THE ECUMENICAL PATRIARCHATE OF CONSTANTINOPLE 5 (2014).

⁶³ *Id.*

⁶⁴ *See id.*

⁶⁵ *Id.* at 27.

⁶⁶ Mine Yildirim, *TURKEY: Religious Freedom Survey, January 2014*, FORUM 18 NEWS SERVICE (Jan. 16, 2014), http://www.forum18.org/archive.php?article_id=1916.

⁶⁷ Eur. Comm'n for Democracy Through Law, *Opinion on the Legal Status of Religious Communities in Turkey and the Right of the Orthodox Patriarchate of Istanbul to Use the Adjective "Ecumenical"*, ¶¶37-41, 82nd Sess., Op. No. 535/2009 (2010), available at http://www.mfa.gr/images/docs/ellinotourkiko/gnomodotisi_epitropis_venetias.pdf.

⁶⁸ Yildirim, *supra* note 66.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ Eur. Comm'n for Democracy Through Law, *supra* note 67, ¶43.

⁷² See Bill Wunner, *The Last Orthodox Patriarch in Turkey?*, CNN (Aug. 27, 2010, 3:13 PM), <http://www.cnn.com/2010/WORLD/europe/08/26/wus.patriarch/>.

pean Court of Human Rights, the Buyukada Orphanage was returned to the Ecumenical Patriarchate in title to “Rum Patrikhanesi.”⁷³ This decision to register the property under that name was, in itself, an important development. The Ecumenical Patriarchate had never been afforded the legal personality necessary to own property and this title, despite not going as far as to provide full legal status as a global institution, has provided de facto legal status to the Patriarchate.⁷⁴

The historical lack of legal personality for the Ecumenical Patriarchate has resulted in government seizure of thousands of church properties over the last 80 years.⁷⁵ Since Turkey began the EU accession process, a series of reforms have allowed minority religious foundations to apply for the return some of their seized properties or to be compensated by the government.⁷⁶ Virtually none of those applications were granted until the most recent reform of August 2011.⁷⁷

This reform, an executive decree by then-Prime Minister Erdogan, gave minority religious foundations 1 year to apply to regain seized properties.⁷⁸ As of October of 2014, roughly 25 percent of minority foundation applications had received a positive response.⁷⁹ Thus, where these applications represent a fraction of confiscated properties, minority religious foundations are still left seeking compensation for or return of a staggering majority of confiscated properties. Unfortunately, most of the property has been returned after years of dilapidation and thus require incredible resources to restore the facilities.⁸⁰

As a party to the ICCPR, Turkey must ensure that “everyone [has] the right to freedom of thought, conscience and religion,” which includes the freedom “to manifest . . . religion or belief in worship, observance, practice, and teaching.”⁸¹ Turkey is also a party to the Treaty of Lausanne, which specifically grants non-Muslims the ability “to establish, manage and control . . . any schools and other establishments for instruction and education.”⁸² However, many non-Muslim religious institutions have no means of training clergy⁸³ since the Turkish Government prohibited private higher education in 1971.⁸⁴ This is a significant obstacle for religious minorities because they are unable to train native future leaders for their congregations, thus limiting the availability of individuals who can become religious leaders in their communities.

For the Orthodox, this battle has played out over the forcible closure of Halki School of Theology, the main seminary of the Orthodox that had trained most of the Patriarch since the school’s founding in 1844 was forced to stop accepting new students.⁸⁵ This closure has forced the Church to send would-be priests abroad for education, with many such students then electing not to return to Turkey.⁸⁶ Despite

⁷³ See *Legal Entities of Non-Muslims: “Problems and Rights”*, ORDER OF ST. ANDREW THE APOSTLE (Feb. 7, 2014), www.archons.org/news/detail.asp?id=721.

⁷⁴ See *id.*

⁷⁵ COMM’N ON SECURITY & COOPERATION IN EUR., THE GREEK ORTHODOX CHURCH IN TURKEY: A VICTIM OF SYSTEMATIC EXPROPRIATION 5–6 (2005), available at http://www.csce.gov/index.cfm?FuseAction=Files.Download&FileStore_id=656.

⁷⁶ U.S. DEPT’ OF STATE, INT’L RELIGIOUS FREEDOM REPORT FOR 2012, 12, available at <http://www.state.gov/documents/organization/208588.pdf>.

⁷⁷ *Id.*

⁷⁸ U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, 2012 ANNUAL REPORT 5, available at <http://www.uscirf.gov/sites/default/files/resources/2012ARChapters/turkey%202012.pdf>.

⁷⁹ EUR. COMM’N, TURKEY PROGRESS REPORT 16 (2014), available at http://ec.europa.eu/ enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf.

⁸⁰ U.S. DEPT’ OF STATE, INT’L RELIGIOUS FREEDOM REPORT FOR 2013, TURKEY: EXECUTIVE SUMMARY 15 (2014), available at <http://www.state.gov/j/drl/rls/irf/2013/eur/222277.htm>.

⁸¹ ICCPR, *supra* note 4, art. 18 (emphasis added).

⁸² Treaty of Lausanne, art. 40, 24 July 1923, <http://www.mfa.gov.tr/lausanne-peace-treaty.en.mfa>.

⁸³ ASS’N OF PROTESTANT CHURCHES COMM. FOR RELIGIOUS FREEDOM & LEGAL AFFAIRS, “A THREAT” OR UNDER THREAT?: LEGAL AND SOCIAL PROBLEMS OF PROTESTANTS IN TURKEY 29 (2010) [hereinafter PROBLEMS OF PROTESTANTS IN TURKEY], http://www.olir.it/areetematiche/233/documents/rapporto_minoranze_turchia.pdf.

⁸⁴ Pelin Turgut, *The Pope’s Push to Protect Minority Christians in the Muslim World*, TIME (Nov. 29, 2006), <http://content.time.com/time/world/article/0,8599,1564055,00.html>.

⁸⁵ *Id.*

⁸⁶ See Ines San Martin, *Orthodox leader to Turkey: Re-open Our Seminary*, CRUXNOW.COM (Nov. 27, 2014), <http://www.cruxnow.com/church/2014/11/27/orthodox-leader-to-turkey-re-open-our-seminary/>.

what appeared to be a promise in 2012 by then-Prime Minister Erdogan to President Obama to reopen Halki,⁸⁷ the school remains closed to this day.⁸⁸

Unfortunately, as chronicled above, virtually all positive reforms promised and hoped for in the last decade have fallen short. As one legal expert called them, they are all “reforms but”—reforms that certainly move the situation in the right direction but with considerable carve-outs and caveats that cause them to fall far short of affording the Ecumenical Patriarchate and religious minorities the legal rights and protections required for basic human dignity.⁸⁹

Disturbingly, the Turkish Government has also aligned itself with Hamas, a recognized terrorist organization by the U.S. State Department.⁹⁰ Hamas was founded as the “jihad” wing of the “Moslem [Muslim] Brotherhood in Palestine” which is committed to the annihilation of Israel and the Jewish people⁹¹ and has conducted numerous terrorist attacks on Israeli citizens.

Turkey’s ruling Justice and Democracy Party (AKP) has long had ties to Hamas and has been supportive of its terrorist tactics. Senior Turkish officials have met with Khaled Mashal, the head of llamas’s military wing, on numerous occasions.⁹² In December of last year, Prime Minister Davutoglu invited Mashal to be the “surprise guest” speaker at the AKP convention.⁹³ Hamas has established a headquarters in Istanbul, Turkey, which is operated by Salah al-Arouri, a Hamas leader who is believed to have orchestrated the terrorist attacks on Israel that led to weeks of armed conflict between Hamas militants and Israel Defense Forces last year.⁹⁴ There are also links between AKP leadership, including then-Prime Minister Erdogan, and the deadly attempt by a Turkish operated flotilla to break Israel’s legal blockade of Gaza in 2011.⁹⁵ In addition, there are new reports that llamas terrorists are “undergoing military training on Turkish soil, with the knowledge, support and assistance of local [Turkish] authorities.”⁹⁶

Turkey’s ties to terrorist groups like Hamas raise significant concerns about continued U.S. aid and its commitment to the North Atlantic Treaty Organization (NATO). U.S. law strictly forbids foreign aid to nations that have been found to “repeatedly provided support for acts of international terrorism.”⁹⁷ NATO’s mandate, which Turkey joined in 1952, includes a recent reaffirmation of its commitment to counter-terrorism, calling it a “core task[”] of the Alliance.⁹⁸ The U.S. must reassess

⁸⁷ See *Remarks by President Obama and Prime Minister Erdogan of Turkey after Bilateral Meeting*, WHITEHOUSE.GOV (Mar. 25, 2012, 4:49 PM), <http://www.whitehouse.gov/the-press-office/2012/03/25/remarks-president-obama-and-prime-minister-erdogan-turkey-after-bilateral>.

⁸⁸ Endy Zemenides, *Our Complicit Silence*, WORLD POST (Jan. 21, 2015, 7:41 PM), http://www.huffingtonpost.com/endy-zemenides/our-complicit-silence_1_b_6492996.html.

⁸⁹ See *Promised Legal Reforms Disappoint Turkey’s Religious Minorities*, CHRISTIANTODAY.COM (Oct. 4, 2013), <http://www.christiantoday.com/article/promised.legal.reforms.disappoint.turkeys.religious.minorities/34253.htm>.

⁹⁰ *Foreign Terrorist Organizations*, U.S. DEP’T ST., <http://www.state.gov/j/ct/rls/other/des/123085.htm> (last visited Mar. 9, 2015). In addition to the U.S., Canada, and the EU have also designated Hamas a terrorist organization. See Adrian Croft, *EU to Appeal Ruling that Hamas Should be Off Terror List*, REUTERS, 19 Jan. 2015, available at <http://www.reuters.com/article/2015/01/19/us-eu-hamas-courts-idUSKBN0KS0N820150119> (noting EU’s terrorist designation for Hamas is subject of ongoing litigation).

⁹¹ The Covenant of the Islamic Resistance Movement art. 2 (1988), available at http://avalon.law.yale.edu/20th_century/hamas.asp; see also *id.* pml., ¶8 (“Our struggle against the Jews is very great and very serious. . . . The Movement is but one squadron that should be supported by more and more squadrons from this vast Arab and Islamic world, until the enemy is vanquished and Allah’s victory is realized.”); *id.* art. 7, ¶¶ 6–7 (“The Prophet, Allah bless him and grant him salvation, has said: ‘The Day of Judgement will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Moslems, O Abdulla, there is a Jew behind me, come and kill him.’”).

⁹² STEVEN G. MERLEY, JERUSALEM CTR. FOR PUB. AFFAIRS, TURKEY, THE GLOBAL MUSLIM BROTHERHOOD, AND THE GAZA FLOTILLA 44 (2011), available at http://www.jcpa.org/text.Turkey_Muslim_Brotherhood.pdf; Soner Cagaptay, *Islamists in Charge*, WALL ST. J. (Aug. 18, 2006), <http://www.wsj.com/articles/SB11584938301538731>.

⁹³ Behlül Ozkan, *Can Turkey Lead the Islamic World and Still Be a Western Ally?*, WORLD POST (Jan. 15, 2015, 1:59 PM), http://www.huffingtonpost.com/behlul-azkan/turkey-islamic-world-west_b_6474746.html.

⁹⁴ Bassem Dabbagh & Mohammad al-Fadilat, *Hamas Leader Strengthens Alliance with Turkey*, AL-ARABY AL-JADEED (29 Dec. 2014), <http://www.alaraby.co.uk/english/politics/2eb167f5-b491-4fb3-9aea-3a5f3d88ed17>.

⁹⁵ MERLEY, *supra* note 92, at 7.

⁹⁶ Alex Fishman, *Forced from Damascus, Hamas Establishing Itself in Turkey*, YNETNEWS.COM (Feb. 25, 2015, 12:47 AM), <http://www.ynetnews.com/articles/0,7340,L-4630331,00.html>.

⁹⁷ 22 U.S.C. § 2371 (this law tasks the Secretary of State with the authority determine whether a country repeatedly provided aid to terrorists).

⁹⁸ *NATO’s Policy Guidelines on Counter-Terrorism*, NATO, http://www.nato.int/cps/en/natohq/official_texts_87905.htm (last updated May 24, 2012).

its foreign aid and relations with Turkey in light of its growing support for Hamas terrorists and urge its NATO ally to renounce its ties with this terrorist group that is dedicated to destroy Israel and Jews in particular.

V. PERSECUTION BY THE ISLAMIC STATE

ISIS—the Islamic State—has unleashed an unparalleled assault on religious minorities, especially Christians, in its quest to establish a worldwide Islamic Caliphate. The heinous atrocities committed by ISIS against Christians from Iraq, Syria, Libya, Egypt, and now Nigeria⁹⁹ is nothing short of genocide. ISIS is systematic in its slaughter and barbaric and its brutality.

In the summer of 2014, ISIS made a public and direct proclamation to Christians living in Iraq—one of the oldest contiguous Christian communities in the world: Convert, pay a tax (the jizya), leave, or die.¹⁰⁰ ISIS gave Christians until July 19, 2014 to comply or face extermination.¹⁰¹

This was not an empty threat. ISIS has since beheaded, crucified, buried alive, raped, and desecrated Christian men, women, and children without mercy.

Since ISIS's reign of terror began, thousands of Christians have been forced from their homes. In Mosul, for example, one of the largest Christian communities in the Middle East was forced to abandon their homes and flee for their lives.¹⁰² In the nearby town of Qaraqosh, nearly 50,000 Christians were displaced when ISIS cut off their supply of electricity and water.¹⁰³

The jihadist army has marked the homes of Iraqi Christians with the Arabic letter "N" (pronounced "noon"), which stands for "Nazarene" or "Nasrani," a pejorative term used to label Christians.¹⁰⁴ ISIS placed the mark of the Nazarene on the homes of thousands of Christians branding them for extermination.

ISIS has burned,¹⁰⁵ destroyed, and otherwise desecrated some of the oldest Christian churches in the world. It has demolished ancient religious artifacts, including the tomb of the Old Testament prophet Jonah,¹⁰⁶ throughout Iraq and Syria.¹⁰⁷ ISIS has also reportedly attempted to sell other religious artifacts to fund its operations.¹⁰⁸

Yet religious relicts are not the main target of ISIS's barbarity; ISIS is systematically slaughtering and committing heinous atrocities against Christians, Yazidis, and other religious minorities in Iraq, Syria, and beyond. It views these religious minorities as "infidels without human rights."¹⁰⁹

⁹⁹On Sunday, March 8, 2015, Boko Haram declared public allegiance to the Islamic State. Nima Elbagir, Paul Cruickshank and Mohammed Tawfeeq, *Boko Haram Purportedly Pledges Allegiance to ISIS*, CNN (March 9, 2015, 10:39 AM ET), <http://www.cnn.com/2015/03/07/africa/nigeria-boko-haram-isis>.

¹⁰⁰Kelly Phillips Erb, *Islamic State Warns Christians: Convert, Pay Tax, Leave Or Die*, FORBES (July 19, 2014, 11:29 PM), <http://www.forbes.com/sites/kellyphillipserb/2014/07/19/islamic-state-warns-christians-convert-pay-tax-leave-or-die/>.

¹⁰¹*Convert, Pay Tax, or Die, Islamic State Warns Christians*, REUTERS (July 18, 2014) <http://www.reuters.com/article/2014/07/18/us-iraq-security-christians-idUSKBN0FN29J20140718>.

¹⁰²Alissa J. Rubin, *ISIS Forces Last Iraqi Christians to Flee Mosul*, N.Y. TIMES (July 18, 2014), <http://www.nytimes.com/2014/07/19/world/middleeast/isis-forces-last-iraqi-christians-to-flee-mosul.html>.

¹⁰³*Tens of Thousands of Christians Flee ISIS Attack on Nineveh Town of Qaraqosh (Hamdaniya)*, CHRISTIAN SOLIDARITY INTERNATIONAL, <http://www.prnewswire.com/news-releases/tens-of-thousands-of-christians-flee-isis-attack-on-nineveh-town-of-qaraqosh-hamdaniya-264802541.html> [hereinafter *Christians Flee ISIS*].

¹⁰⁴See Heba Kanso, *Symbol of ISIS Hate Becomes Rallying Cry for Christians*, CBS News (Oct. 20, 2014, 5:30 AM), <http://www.cbsnews.com/news/for-christians-symbol-of-mideast-oppression-becomes-source-of-solidarity/>; Christine Sisto, *As Jihadists Expel Christians from Mosul, the International Community Responds*, NATIONAL REVIEW (July 23, 2014, 6:31 PM), <http://www.nationalreview.com/article/383493/christian-genocide-symbolized-one-letter-christine-sisto>.

¹⁰⁵*ISIS burns 1,800-year-old church in Mosul*, AL ARABIYA NEWS (July 20, 2014), <http://english.alarabiya.net/en/News/middle-east/2014/07/20/ISIS-burns-1-800-year-old-church-in-Mosul.html>.

¹⁰⁶Dana Ford and Mohammed Tawfeeq, *ISIS Militants Destroy the Tomb of Johah*, CNN (July 25, 2014), <http://edition.cnn.com/2014/07/24/world/iraq-violence/>.

¹⁰⁷Polly Mosendz, *Replicas and at Least One Treasure Destroyed by ISIS in Museum*, NEWSWEEK (Feb. 26, 2015, 4:30 PM), <http://www.newsweek.com/replicas-and-least-one-treasure-destroyed-isis-museum-309810>.

¹⁰⁸Perry Chiaramonte, *ISIS reportedly Selling Christian Artifacts, Turning Churches into Torture Chambers*, FOX NEWS (Dec. 23, 2014), <http://www.foxnews.com/world/2014/12/22/isis-reportedly-selling-christian-artifacts-turning-churches-into-torture-1596164509/>.

¹⁰⁹*Christians Flee ISIS*, *supra* note 103.

Last August, ISIS drove out and corralled thousands of members of the Yazidi faith on the top of Mount Sinjar in northern Iraq. It had an entire religious minority besieged and on the brink of extinction.¹¹⁰

ISIS is abducting, raping, and selling Christian women as sex slaves, specifically targeting religious minorities.¹¹¹ ISIS's jihadist army has beheaded Christian children.

A United Nations committee has concluded that ISIS is “systematic[ly] killing . . . children belonging to religious and ethnic minorities . . . , including several cases of mass executions of boys, as well as reports of beheadings, crucifixions of children and burying children alive.”¹¹² The report goes on to detail how ISIS has perpetrated “systematic sexual violence,” and “the abduction and sexual enslavement of children” belonging to these religious minority communities.¹¹³

The Reverend Canon Andrew White, the Christian “Vicar of Baghdad”, recounted multiple such atrocities:

“Things were bad in Baghdad, there were bombs and shootings and our people were being killed, so many of our people fled back to Nineveh, their traditional home.” . . .

“[ISIS] came in and they hounded all of them out. They killed huge numbers, they chopped their children in half, they chopped their heads off, and they moved north and it was so terrible what happened.” . . .

“. . . Islamic State turned up and said to the children, you say the words that you will follow Mohammed.” . . .

“The children, all under 15, four of them, said no, we love Yesua [Jesus], we have always loved Yesua, we have always followed Yesua, Yesua has always been with us.

“They said: ‘Say the words.’ They said: ‘No, we can’t.’ They chopped all their heads off. How do you respond to that? You just cry.”¹¹⁴

Last month, ISIS released a propaganda video showing the grizzly beheading of 21 Egyptian Christians in Libya.¹¹⁵ ISIS had abducted these 21 Coptic Christian men, specifically seeking them out because of their faith,¹¹⁶ from a Christian village in Libya.¹¹⁷ It not only executed them in the most grotesque manner, but it recorded and widely publicized the massacre, making it crystal clear that these men were targeted for slaughter because of their Christian faith.

Two weeks ago, ISIS jihadists raided several Christian villages in northeastern Syria, abducting¹¹⁸ over 200 Christian men, women, and children.¹¹⁹ It is feared

¹¹⁰ *Thousands of Yazidis ‘Still Trapped’ on Iraq Mountain*, BBC (Aug. 12, 2014), <http://www.bbc.com/news/world-middle-east-28756544>.

¹¹¹ Sam Webb and Khaleda Rahman, *The Price of a Slave . . . as Determined by Official ISIS Price List: Islamist Group Sets Prices for Yazidi and Christian Women—with Girls Under Nine Fetching the Highest Price*, DAILY MAIL (Nov. 4, 2014), <http://www.dailymail.co.uk/news/article-2820603/The-price-slave-determined-official-ISIS-price-list-Islamist-group-sets-prices-Yazidi-Christian-women-girls-nine-fetching-highest-price.html>.

¹¹² Stephanie Nebehay, *Islamic State Selling, Crucifying, Burying Children Alive in Iraq—UN*, REUTERS, Feb. 4, 2015, available at <http://in.reuters.com/article/2015/02/04/mideast-crisis-children-idINKBN0L828E20150204>.

¹¹³ *Id.*

¹¹⁴ Jack Moore, *Isis Beheads 4 Christian Children in Iraq for Refusing to Convert to Islam*, INTERNATIONAL BUSINESS TIMES (Dec. 8, 2014, 1:35 PM), <http://www.ibtimes.co.uk/isis-beheads-4-children-iraq-refusing-convert-islam-claims-vicar-baghdad-1478586>; *see also Before Being Killed, Children Told ISIS: ‘No, We Love Jesus’*, ORTHODOX CHRISTIAN NEWS (Nov. 28, 2014), <http://myocn.net/before-being-killed-children-told-isis-no-we-love-jesus/>.

¹¹⁵ *ISIS video appears to show beheadings of Egyptian Coptic Christians in Libya*, CNN (Feb. 16, 2015), <http://edition.cnn.com/2015/02/15/middleeast/isis-video-beheadings-christians/>.

¹¹⁶ Ian Lee and Jethro Mullen, *After ISIS Slaughters Christians, an Egyptian Village Mourns its Sons*, CNN (Feb. 19, 2015), <http://edition.cnn.com/2015/02/18/middleeast/egypt-christians-grieving-village/>.

¹¹⁷ *Id.*

¹¹⁸ Suleiman al-Khalidi, *Islamic State in Syria Abducts at Least 150 Christians*, REUTERS, (Feb. 25, 2015), available at <http://www.reuters.com/article/2015/02/25/us-mideast-crisis-christians-idUSKBN0L50MH20150225>.

¹¹⁹ *Activists Say Islamic State Releases 19 Syrian Christians*, ASSOCIATED PRESS, (Mar. 1, 2015), available at http://www.washingtonpost.com/world/middle_east/activists-say-islamic-state-releases-19-syrian-christians/2015/03/01/867cabba-c036-11e4-a188-8e4971d37a8d_story.html.

that ISIS is planning another propaganda massacre of even more horrific proportions.¹²⁰

Notably, the recent kidnapping of Coptic Christians occurred outside of Iraq and Syria. It took place in Libya and was specifically directed at Egyptian Christians,¹²¹ showing ISIS's jihadist goal to murder Christians far exceeds the bounds of its current territory. In fact, a recent edition of its propaganda magazine, Dabiq, depicted the black flag of ISIS flying over the Vatican.¹²² In that magazine, ISIS spokesman Mohammed al-Adnani wrote these chilling words:

“[Our goal is to] conquer your Rome, break your crosses, and enslave your women, by the permission of Allah, the Exalted.”

“If we do not reach that time, then our children and grandchildren will reach it, and they will sell your sons as slaves at the slave market.”¹²³

With the new allegiance pledged by Boko Haram—the terrorist group in Nigeria that has killed thousands, targeted Christian villages, and forced millions to flee their homes since 2009—ISIS has spread its influence deeper into Africa.¹²⁴ This allegiance increases the risks of the terrorist organization spreading to other African countries neighboring Nigeria, something the Boko Haram has attempted in recent weeks as it conducted terrorist attacks in Niger and Chad.¹²⁵

ISIS is not just persecuting Christians; it is waging an all out genocide against Christians. It is specifically targeting Christians, along with other religious minorities and Muslims who do not adhere to its specific brand of radical Islam.

Yet the Christians ISIS seeks to silence, enslave, and exterminate are holding true to their faith. The 21 Christians beheaded last month had the name of Jesus on their lips as they drew their last breath.¹²⁶

VI. PERSECUTION IN THE ISLAMIC REPUBLIC OF PAKISTAN

In the Islamic Republic of Pakistan, religious minorities are persecuted both by the Pakistani Government and by the majority Muslims. While Pakistan's blasphemy laws provide a tool for the majority Muslims to persecute minorities on account of their religion and to settle personal scores, the government does not provide adequate protection to its vulnerable citizens and gives a free hand to the culprits. Additionally, due to widespread corruption, coupled with religious bias, law enforcement officials allow criminals to go unpunished.

When Pakistan gained independence from India in 1947, Pakistan's founding father, Muhammad Ali Jinnah, had envisioned a secular, democratic Pakistan. In his first address to the Constituent Assembly, Jinnah said: “You are free; you are free to go to your temples, you are free to go your mosques or to any other place or worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State.”¹²⁷ In practice, however, Pakistan quickly became discriminatory and regressive, incorporating Shariah law into the Constitution and the Penal Code.

The Pakistani Constitution of 1973 states that “sovereignty over the entire universe belongs to Allah Almighty alone and the authority which He has delegated to the State of Pakistan, through its people for being exercised within the limits prescribed by Him is a sacred trust.”¹²⁸ According to article 2, Islam is the State reli-

¹²⁰Though ISIS has since release nineteen of these more than 220 Christians hostages, each over the age of fifty, *id.*, it did so only after they paid the jizya tax and accepted ISIS as their rulers. Ben Brumfield, *ISIS Releases Some Christian Hostages—but Why?*, CNN (Mar. 2, 2015), <http://edition.cnn.com/2015/03/02/middleeast/isis-hostages-why-now/>.

¹²¹Lee and Mullen, *supra* note 116.

¹²²Carol Kuruvilla, *Islamic State's Black Flag Flies Over Vatican on Cover of Propaganda Magazine*, HUFFINGTON POST (Oct. 14, 2014, 10:35 AM), http://www.huffingtonpost.com/2014/10/14/isis-vatican-flag_n_5979424.html.

¹²³*Id.*

¹²⁴Elbagir, *supra* note 99.

¹²⁵*Nigeria's Boko Haram Militants Attack Chad for First Time*, BBC (13 Feb. 13, 2015, 09:30 ET), <http://www.bbc.com/news/world-africa-31453951>; Abdoulay Massalaki, REUTERS, Feb. 12, 2015, available at <http://www.reuters.com/article/2015/02/12/us-nigeria-violence-niger-idUSKBN0LG1DE20150212>.

¹²⁶Lee and Mullen, *supra* note 116.

¹²⁷Muhammad Ali Jinnah's first Presidential Address to the Constituent Assembly of Pakistan (August 11, 1947), available at http://www.columbia.edu/itc/mealac/pritchett/00islamlinks/jinnah_assembly_1947.html.

¹²⁸PAKISTAN CONST. Annex, art. 2(A). Article 2-A consists of an annexed proposal known as the “Objectives Resolution” presented by then-Prime Minister Liaquat Ali Khan to the Con-

Continued

gion.¹²⁹ Article 227 of the Constitution mandates that “all existing laws shall be brought into conformity with the Injunctions of Islam.”¹³⁰

An eventual outgrowth of Pakistan’s institutionalized Shariah, with its aspect of religious discrimination, was the gradual adoption of the infamous blasphemy laws. The most onerous blasphemy law, added in 1986, is Section 295-C of the Pakistan Penal Code, which states:

Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.¹³¹

While the text of this law allows for the punishment of life imprisonment as an alternative to the death sentence, in 1991 Pakistan’s Federal Shariat Court (FSC) held that “[a]lternative [p]unishment of life imprisonment as provided in S.295-C, Penal Code, 1866, [is] repugnant to the Injunctions of Islam as given in Holy Quran and Sunnah.”¹³² The FSC was established by a presidential order, which is now incorporated in the Pakistani Constitution under Chapter 3A.¹³³ The FSC is empowered to decide whether “any law or provision of law is repugnant to the Injunctions of Islam.”¹³⁴

Between 1987 and 2014, over 1,300 people have been accused under blasphemy laws.¹³⁵ The overwhelming majority of them are Christians, Ahmadis, Hindus, and Shias. Currently, there are at least 17 individuals on death row and 19 others serving life sentences. Many others have been charged and await trial.¹³⁶ Even those who are acquitted often spend substantial time incarcerated. Most blasphemy cases are marred by false accusations and planted evidence, as blasphemy charges are oftentimes brought as a way to settle unrelated personal disputes.¹³⁷ Such false accusations are facilitated by the lack of procedural safeguards in the law.¹³⁸ Despite the serious penalties, the so-called crime does not require proof of intent or evidence to be presented.¹³⁹ Further, there are no penalties for false allegations.¹⁴⁰ Not only that, the laws are vague as to what constitutes a violation, which allows courts and law enforcement to apply their personal religious interpretation.¹⁴¹

Targets of religious persecution and religiously-motivated violence in Pakistan include Christians, Shia Muslims, Ahmadis, and Hindus.¹⁴² Shia events and places of worship have been frequently attacked.¹⁴³ For instance, in January 2013, a Shia pool hall was bombed.¹⁴⁴ In January 2014, a bus carrying Shia pilgrims was also bombed. Overall, 700 Shias were killed in Pakistan in 2014 alone.¹⁴⁵ Ahmadis are regularly murdered in drive-by shootings.¹⁴⁶ In May 2010, 94 people were killed and 120 injured in coordinated attacks against the Ahmadis.¹⁴⁷ Hindus are fleeing the country because of attacks and forced conversions.¹⁴⁸

stituent Assembly in 1949. This proposal was annexed as part of Pakistan’s 1973 constitution after serving as the preamble to earlier versions of Pakistan’s constitution.

¹²⁹ PAKISTAN CONST. art. 2.

¹³⁰ *Id.* art. 227(1).

¹³¹ PAK. PENAL CODE § 295-C, inserted by Criminal Law (Amendment) Act, III of 1986, S. 2.

¹³² *Muhammad Ismail Qureshi v. Pakistan through Secretary, Law and Parliamentary Affairs*, 1991 PLD 10.

¹³³ PAKISTAN CONST. chap. 3(A).

¹³⁴ *Id.* art. 203D(2).

¹³⁵ *What are Pakistan’s Blasphemy Laws?*, BBC NEWS (Nov. 6, 2014), <http://www.bbc.com/news/world-south-asia-12621225>.

¹³⁶ U.S. COMM’N ON INT’L RELIGIOUS FREEDOM, ANNUAL REPORT 75 (2014) [hereinafter USCIRF REPORT 2014], available at <http://www.uscirf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>.

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² USCIRF REPORT 2014, *supra* note 136, at 75–76.

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ Thomas J. Reese & Daniel I. Mark, *Pakistan’s War on Conscience*, USCIRF (June 9, 2014), <http://www.uscirf.gov/news-room/op-eds/the-philadelphia-inquirer-pakistans-war-conscience>.

¹⁴⁷ Rizwan Mohammed & Karin Brulliard, *Militants Attack Two Ahmadi Mosques In Pakistan; 80 Killed*, WASH. POST (May 29, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/28/AR2010052800686.html>.

¹⁴⁸ *Id.*

Violence against Christians is also widespread and frequent.¹⁴⁹ Despite constituting less than 3 percent of the entire country's population, Christians are frequent targets of societal abuse, harassment, and terrorism.¹⁵⁰ In late July 2009, Muslims burned 45 Christian homes and killed 9 Christians in Gojra and Korian after allegations were made that a Christian had defiled a Quran.¹⁵¹

In March 2013, a personal dispute between two men resulted in the Muslim man accusing the Christian of blasphemy.¹⁵² Within one day, the blasphemy accusation had instigated two large mob attacks against a Christian colony in Lahore, attacks that resulted in the destruction of over 100 homes.¹⁵³ The government arrested few, if any, perpetrators.¹⁵⁴

On September 22, 2013, two Taliban suicide bombers detonated their bombs inside the All Saints Church of Pakistan at the conclusion of a church service.¹⁵⁵ The suicide bombing at the Christian church was one of the deadliest attacks ever against Pakistan's Christian community, killing at least 81 Christians and leaving over 120 wounded.¹⁵⁶

More recently, on November 4, 2014, a Muslim mob in Pakistan burned to death a young Christian couple, Shahzad Masih and his wife Shama Bibi, based on an accusation that Shama, the mother of the couple's four children, had burned pages of the Quran.¹⁵⁷ Although police were present during the murder, they claimed that, due to the large number of people, they could not intervene.¹⁵⁸

Another prominent blasphemy case is that of Aasiya Noreen (also known as Asia Bibi), a Christian mother of five.¹⁵⁹ In 2009, Asia Bibi was falsely accused of blaspheming Muhammad. The Muslim workers refused to drink from a bucket of water she had drunk from, calling it unclean because she was a Christian.¹⁶⁰ After suffering for almost 5 years in prison, in 2014, an appeals court upheld her 2010 conviction and execution sentence.¹⁶¹ Her lawyers have appealed to Pakistan's Supreme Court.¹⁶² Salman Taseer, Governor of the Punjab Province and a prominent advocate of blasphemy law reform was assassinated by his own security guard shortly after he met with Asia Bibi in an effort to seek a Presidential pardon for her.¹⁶³

Shortly after Taseer's assassination, Federal Minister for Minorities Affairs, Shahbaz Bhatti, was also assassinated by gunmen in Islamabad.¹⁶⁴ Bhatti, who was the only Christian minister in the Pakistani Cabinet, had previously received death threats because of his outspoken calls for reform to Pakistan's blasphemy laws.¹⁶⁵

In 2012, a man was charged with planting blasphemy evidence against an underage, mentally-handicapped Christian girl named Rimsha Masih.¹⁶⁶ Unfortunately, a year later the government dropped all charges against the man who had fabricated the blasphemy evidence.¹⁶⁷

On September 18, 2014, a liberal Muslim scholar named Muhammad Shakil Auj—the dean of Islamic studies at the University of Karachi—was shot and killed in Ka-

¹⁴⁹ USCIRF REPORT 2014, *supra* note 136, at 76.

¹⁵⁰ ECLJ Condemns the Deadly Attack on the Christian Community in Pakistan, ECLJ (Sept. 24, 2013), <http://eclj.org/Releases/Read.aspx?GUID=a2b8b34b-8a7f-410e-8c4b-d3da680b8eb1>.

¹⁵¹ *Id.*

¹⁵² Declan Walsh & Waqar Gillani, *Attack On Christians Follows Claim Of Blasphemy In Pakistan*, N.Y. TIMES (Mar. 9, 2013), <http://www.nytimes.com/2013/03/10/world/asia/explosion-rips-through-mosque-in-peshawar-pakistan.html?r=0>.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ Saima Mohsin & Emma Lacey-Bordeaux, *Suicide Bombers Kill 81 at Church in Peshawar, Pakistan*, CNN (Sept. 23, 2013), <http://edition.cnn.com/2013/09/22/world/asia/pakistan-attack/>.

¹⁵⁶ *Id.*

¹⁵⁷ Jay Sekulow, *Dozens Arrested in Islamic Mob Execution of Christians Burned Alive in Pakistan*, ACLJ, <http://aclj.org/persecuted-church/dozens-arrested-in-islamic-mob-execution-of-christians-burned-alive-in-pakistan> (last visited Mar. 4, 2015).

¹⁵⁸ *Id.*

¹⁵⁹ Jordan Sekulow, *Christian Mom Asia Bibi Sentenced to Death Will Hang for "Blasphemy" Pakistan Appeals Court Says*, ACLJ, <http://aclj.org/persecuted-church/christian-mom-to-hang-blasphemy> (last visited Mar. 4, 2015).

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ M. Ilyas Khan, *Punjab Governor Salman Taseer Assassinated In Islamabad*, BBC News (Jan. 4, 2011), <http://www.bbc.com/news/world-south-asia-12111831>.

¹⁶⁴ Orla Guerin, *Pakistan Minorities Minister Shahbaz Bhatti Shot Dead*, BBC News (Mar. 2, 2011), <http://www.bbc.com/news/world-south-asia-12617562>.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ Angelo Young, *Judge Tosses Out Case Against Pakistani Christian Girl Accused of Blasphemy*, INT'L BUS. TIMES (November 20, 2012, 9:38 AM EST), <http://www.ibtimes.com/judge-tosses-out-case-against-pakistani-christian-girl-accused-blasphemy-891836>.

rachi because of a supposedly blasphemous speech he gave during a visit to the United States.¹⁶⁸

The Organization for Legal Aid (OLA), the European Centre for Law and Justice's (ECLJ)¹⁶⁹ affiliate in Pakistan, was created to provide legal assistance to the persecuted religious minorities in Pakistan. In the last 5 years, the OLA has represented clients in a variety of matters, including blasphemy, murder, torture, rape and trafficking, bonded labor, and illegal occupation of Christian churches and cemeteries.

In a recent case, Zanobia Mary, a Christian teacher, was falsely accused by her superiors of teaching the Bible to Muslim students. The principal of the school, who had resented Mary due to her Christian religion, suspended her. Through the timely intervention of OLA attorneys, Mary was reinstated to her position as teacher. However, the legal battle and religiously motivated threats against Mary are not over yet.

The OLA is also seeking justice for Nazia Bibi, a victim of attempted rape by Niamat Ali, an influential Muslim landlord of Nazia's village. The police refused to register a criminal case against Ali. Lack of police intervention is common in Pakistan due to the high level of corruption prevalent in the country. OLA attorneys filed a petition for registration of the case at a Sessions Court. Subsequently, the court ordered the police to register a formal case against Ali. Nonetheless, the investigation officers declared Ali innocent in their report.

Rape incidents are all too common in Pakistan. In another unfortunate case, OLA attorneys are representing a 7-year-old Christian girl, Saira Iqbal, against her Muslim neighbor, Fakhar Alam, who kidnapped and raped her. Two influential landlords of the village, Ahmed Yaar and Zulfiqar Ali, have been pressuring the family not to pursue the case.

In a similar case, OLA is representing Saleem Masih, a Christian farmhand, who was beaten by his Muslim landlord's sons for taking two days off for Easter this past year. Through a petition filed by OLA attorneys, the court directed the police to register the case. After the court ordered the police to register the case, the defendants repeatedly visited Masih and forced him to settle the case. The police have yet to carry out the court's orders.

Pressuring victims to not pursue legal action is also common in Pakistan. Most victims of religious persecution are poor and, hence, cannot afford to fight legal battles. The persecution, however, does not end there and is not limited to physical violence. Often times, Christian properties are illegally occupied by influential Muslims.

For instance, OLA is representing the United Presbyterian (U.P.) Church in the city of Pasroor. The Muslim landlords of the village forcibly encroached upon part of the church land and annexed it with their house. Masih filed a suit for permanent injunction in Pasroor Civil Court. The court issued an order in the church's favor. The defendants, however, filed an appeal against this order. The court accepted the appeal and remanded to the trial court. OLA is currently waiting for the court to set the date for trial.

OLA is also representing Ishaque Masih and three other Christians from Lahore who are struggling to save the graveyard where their forefathers are buried. The Muslim landlords, whose farm is adjacent to the graveyard, have encroached upon the graveyard land. In another case of illegal occupation of a Christian graveyard, OLA is representing the local Christians of Kasur. Illegally encroaching upon Christian cemeteries and churches is common in Pakistan.

As illustrated by the numerous cases mentioned above, Pakistan's blasphemy laws are used to target religious minorities. The unjust blasphemy laws place Pakistan in violation of the International Covenant on Civil and Political Rights (ICCPR),¹⁷⁰ a covenant to which it is currently a party. Pakistan's blasphemy laws violate articles 18 and 19 of the ICCPR, which involve freedom of religion and freedom of expression.¹⁷¹ Further, since 2002, USCIRF has recommended that the United States Department of State label Pakistan as a "country of particular concern" (CPC) under the International Religious Freedom Act.¹⁷² This is due to its "systematic, egregious,

¹⁶⁸ Zia ur-Rehman, *A Pakistani Scholar Accused of Blasphemy Is Shot Dead*, N.Y. TIMES (Sept. 18, 2014), http://www.nytimes.com/2014/09/19/world/asia/pakistan-shakil-aj-assassinated-blasphemy-karachi.html?_r=0.

¹⁶⁹ The ECLJ is an international, Non-Governmental Organization dedicated, *inter alia*, to the promotion and protection of human rights and to the furtherance of the rule of law in international affairs. The ECLJ has held Special Consultative Status before the United Nations/ ECOSOC since 2007.

¹⁷⁰ See *supra* note 4.

¹⁷¹ *Id.* at arts. 18, 19.

¹⁷² Reese & Mark, *supra* note 146.

and ongoing violations of religious freedom or belief.”¹⁷³ “In April 2013, the Human Rights Commission of Pakistan concluded that Pakistan is ‘on the verge’ of becoming an undemocratic society where violence is the accepted form of communication.”¹⁷⁴ As the United States gives nearly 2 billion dollars in military and economic aid to Pakistan annually, the United States should demand that Pakistan comply with its commitments to religious freedom.¹⁷⁵

VII. RECOMMENDATIONS

As religious persecution of Christians exponentially increases, we must ensure that religious liberty for all is a top priority in U.S. foreign policy. The fact is most countries that violate religious freedom pose a serious risk to U.S. national security. At best, the United States has sent mixed messages to the world as to our priority on religious liberty issues. We must not sit idly by; rather the United States must lead by example—show the world that religious liberty and human rights are the foundation of peaceful and secure societies.

Mr. Chairman, the ACLJ and its global affiliates recommend the following steps be taken to ensure greater protection of religious liberty for all:

- The Obama Administration, and any Executive to follow, regularly fulfill the statutory requirements under Section 402(b)(2) of the International Religious Freedom Act (IRFA), which require the President to submit to Congress a list of government officials or persons acting on their behalf who are responsible for human rights violations and particularly severe violations of religious freedom. We specifically request that the President take the following “commensurate actions” under IRFA Section 405: bar from entry into the United States and freeze the assets of any government officials or their agents who have engaged in particularly severe religious freedom violations; and work with our European allies also to ban from entry and freeze the assets of government officials who have engaged in particularly severe religious freedom violations;
- Amend Sections 401–405 of the IRFA to include the actions of non-state actors.
- The Obama Administration should appoint an Ambassador to lead a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia;
- Evaluate all foreign aid packages to countries listed as a Country of Particular Concern or recommended as a Country of Particular Concern by USCIRF and implement positive benchmarks for the release of aid when the country makes improvements in its protections of religious freedom and belief. Furthermore, concerns of religious freedom should be included regularly in U.S. engagements, including diplomatic exchanges, strategic dialogues, and during country visits;
- At present, according to the Government Accountability Office, the Ambassador at Large for International Religious Freedom was the lowest-positioned Ambassador at Large in the State Department hierarchy. We recommend Congress legislatively elevate the Ambassador at Large for International Religious Freedom within the State Department in the bureaucratic hierarchy to allow the Ambassador regular direct access to the Secretary of State. Furthermore, the position should have jurisdictional authority, as needed, in bureaus that cover country specific diplomacy where the country has a proven record of violations of religious freedom and belief.
- Amend legislation to require the U.S. Government to address Congress annually with a list of Countries of Particular Concern, explaining why it has not taken any recommendation of USCIRF.

Senator GRAHAM. Thank you, Jay.
Tony.

¹⁷³ *Id.*

¹⁷⁴ USCIRF REPORT 2014, *supra* note 136, at 76.

¹⁷⁵ *Aid to Pakistan by the Numbers*, CENTER FOR GLOBAL DEVELOPMENT, <http://www.cgdev.org/page/aid-pakistan-numbers> (last visited Mar. 4, 2015).

FAMILY RESEARCH COUNCIL

STATEMENT OF TONY PERKINS, PRESIDENT

Mr. PERKINS. Good afternoon, Mr. Chairman, and members of the subcommittee. I am grateful for the interest that the subcommittee, under the leadership of Chairman Graham, has in this most pressing matter.

The fact that religious freedom is deeply rooted in American life is beyond question. But as a Nation, we have recognized that religious freedom is not just an American right, it is a human right not granted by governments, but rather to be guarded by governments.

I want to step back, going from the specific and more to the general here in my testimony.

Historically, the recognition and advancement of religious freedom as a universal human right has been a bipartisan effort. It was Eleanor Roosevelt who chaired the drafting committee of the Universal Declaration of Human Rights in 1948, which as Jay outlined, provides that people have the right to the freedom of thought, conscience, and religion.

Additionally, following the horror of the Holocaust, the international community established a legally binding treaty, the Convention on the Prevention and Punishment of the Crime of Genocide. The treaty not only legally prohibits ratifying nations from engaging in genocide, but also binds them with an obligation to prevent genocide.

The fundamental right to freedom of religion was again recognized as an inherent human right in the legally binding International Convention on Civil and Political Rights in 1966.

America has not only expressed its commitment to uphold religious liberty through international law, but through Federal statutes as well. Again, in a bipartisan manner, Congress passed the International Religious Freedom Act of 1998, which states that, quote, "It shall be the policy of the United States . . . [t]o condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion."

While this fundamental human right deserves to be guarded in its own right, there are other tangible benefits for promoting religious freedom. There is a growing body of research that points to nations that protect religious freedom as being nations that have freer economic markets and, therefore, greater economic prosperity and stability, which leads to greater political stability.

Religious freedom should be a top priority in foreign policy for a multitude of reasons.

Despite both domestic and international obligations, though, the United States is failing to make religious freedom a priority. The growing indifference toward religious freedom is sending a dan-

gerous message to the enemies of human rights. In its latest figures, the Pew Research Center reports that, in 2013, Christians continue to be harassed in 102 countries, Muslims in 99 countries, and Jews in 77 countries.

A 2014 list catalogued by Open Doors USA shows that persecution is increasing around the world, reaching historic proportions. Approximately 100 million Christians are now persecuted worldwide.

While the brutal violence that we have seen in the Middle East has increased, it was not increased violence that was primarily responsible for the record levels of Christian persecution, but rather increased cultural marginalization, the more subtle type of persecution that makes daily life harder and harder for Christians.

Last year, we were involved, as we all witnessed, the saga of the pregnant Sudanese mother Mariam Ibrahim, being convicted and sentenced by her own government to die for her choice of faith.

Shortly thereafter, the American public became aware of the murderous rampage of ISIS that targeted Yazidis because of what they believed, killed some Muslims because they held beliefs different than ISIS, and killed and persecuted Christians because of their religion.

The Genocide Convention prohibits targeting a religious group for the purpose of killing its members, causing serious bodily or mental harm, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, imposing measures intended to prevent births within the group, and forcibly transferring children to other groups.

And while one of these acts is all that is required to meet the definition of genocide under the Convention, ISIS has probably engaged in all of them with respect to the Yazidis, Christians, and other religious groups.

Over 20 years ago, President Clinton hesitated to take decisive action to stop genocide in Rwanda, which he avoided defining as genocide precisely due to the concern that the United States would then be obligated to do something if genocide was recognized. As a result, more than a million lives were lost. Several years later, President Clinton went to Rwanda and admitted his error.

The Obama administration has been relatively silent, failing to speak clearly and forcefully in defense of Christians and other religious minorities. Mothers, fathers, and children, whether sentenced to die for their faith in Sudan, impaled by ISIS in Iraq, crucified in Syria, beheaded in Libya, or imprisoned in Iran—they are being targeted because of their faith.

As a recent ISIS video from Libya made abundantly clear, ISIS was not targeting 21 Egyptian citizens. It was targeting 21 people of the cross.

Our silence only encourages those who work actively to diminish or even destroy this fundamental human right. America has both a legal and moral obligation to speak and act on behalf of religious freedom. We must once again find our voice to speak and our courage to act.

Thank you, Mr. Chairman.
 [The statement follows:]

PREPARED STATEMENT OF TONY PERKINS

Religious freedom is a fundamental, inherent, and international human right. It is not merely an American right—though religious freedom was foundational to the very existence of the United States. Additionally, standing for religious liberty is a vital component of American foreign policy. Defending those whose right to practice their faith is penalized or jeopardized wins our country friends among people throughout the developing world and thus enhances the security of our Nation. As I will note later, countries where religious liberty flourishes are both more stable and more prosperous.

So, defending religious freedom is not only right in itself, but its benefits for our vital interests are profound.

Yet the current administration consistently has failed to prioritize this fundamental international human right and give it the attention it deserves, especially in light of the horrific religious persecution we see unfolding before our eyes in the Middle East and elsewhere.

INTERNATIONAL RELIGIOUS FREEDOM IS REQUIRED BY LAW

The United States is obligated under international law to uphold, support, and promote religious freedom. In 1948, the nations of the world, appalled by the horror of World War II, came together to form the United Nations (U.N.) and adopt the Universal Declaration of Human Rights (UDHR) to address and lay the groundwork to prevent fundamental human rights violations in the future. The UDHR provides that “[e]veryone has the right to freedom of thought, conscience and religion; *this right includes freedom to change his religion or belief*, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”¹ U.N. Member States at that time pledged to secure the “universal and effective recognition and observance” of the rights in the UDHR, “both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”²

Also, shortly after the horror of the Holocaust, the international community established a legally binding treaty known as the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter “Genocide Convention”).³ The treaty legally prohibits ratifying nations from engaging in genocide, which it specifies as certain “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”⁴ The Genocide Convention also binds nations which are parties to it with an obligation to “prevent” genocide—an obligation the International Court of Justice has held to be clear and independent.⁵

Almost 20 years later, the fundamental right to freedom of religion was again recognized as an inherent human right in the International Convention on Civil and Political Rights (ICCPR), which explicitly “[r]ecogniz[es] that” religious freedom and other “rights derive from the inherent dignity of the human person.”⁶ While the UDHR recognizes these same rights, it is not a binding legal instrument. The ICCPR is legally binding, however, and it states: “[e]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”⁷ The ICCPR goes further, noting that “[n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”⁸ Seventy-four nations have signed and committed themselves to recognizing and upholding these religious freedom rights in the ICCPR, including the United States.⁹

¹ Universal Declaration of Human Rights, G.A. Res. 217A, art. 18, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948) [hereinafter UDHR].

² *Id.* pmb1.

³ Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948, 78 U.N.T.S. 277, entered into force 12 January 1951, [hereinafter Genocide Convention].

⁴ *Id.* art. 2.

⁵ International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, 26 February 2007, available at <http://www.icj-cij.org/docket/files/91/13685.pdf>.

⁶ International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), pmb1, 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976 [hereinafter ICCPR].

⁷ *Id.* art. 18.

⁸ *Id.*

⁹ Status of ICCPR, U.N. Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en.

The recognition of religious freedom in international law is also manifested in various regional instruments, such as the European Convention on Human Rights,¹⁰ the American Convention on Human Rights (from the Organization of American States),¹¹ and the African Charter on Human and Peoples' Rights.¹²

America's obligation to uphold religious liberty is not only a matter of international law but of Federal statute. Confirming the United States' role in upholding the international human right of religious freedom, the International Religious Freedom Act of 1998 ("IRFA") states that "[i]t shall be the policy of the United States . . . [t]o condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion."¹³

INTERNATIONAL RELIGIOUS FREEDOM IS GOOD POLICY

Not only is religious freedom a fundamental, inherent, and international human right, and not only is the United States obligated to promote it, religious freedom is also good foreign policy. Religious freedom promotes economic growth, and suppressing it stifles economic growth around the world. In turn, the lack of economic growth fosters instability and a lack of security.¹⁴ One study found a positive relationship between religious freedom and ten of the twelve pillars of global competitiveness measured by the World Economic Forum's Global Competitiveness Index.¹⁵ Religious freedom is important for peace and security, which in turn permit economic growth and prosperity.¹⁶ In this age of globalization, we should all be more concerned about the connection between religious freedom and business, for the suppression of religious freedom elsewhere may affect economic growth at home.

Religious freedom should be a central priority in U.S. diplomatic and strategic engagement worldwide in order to promote freedom for its own sake as well as for reasons of global stability, security, and economic growth. The United States must make religious freedom a more central component of its foreign policy, at least in part because upholding religious freedom promotes wellbeing both at home and abroad.

INTERNATIONAL RELIGIOUS FREEDOM IS UNDER UNPRECEDENTED ATTACK

Yet religious liberty is under serious and increasing attack around the world today. Despite its clear legal protection and established social and economic benefit, international religious freedom is in serious decline.

In its latest figures, the Pew Research Center reports that in 2013 Christians continued to be harassed (by the government and social groups) in 102 countries, Muslims in 99 countries, and Jews in 77 countries.¹⁷ The harassment of Jews, for whom this figure constituted a 7-year high, was much more likely to occur at the hands of "individuals or groups in society than by governments. In Europe, for example, Jews were harassed by individuals or social groups in 34 of the region's 45 countries."¹⁸ While certainly a number of different religious groups are persecuted in varying locations around the world, these figures alone are troubling.

¹⁰ Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, art. 9, Nov. 4, 1950, ETS 5, 213 U.N.T.S. 222, entered into force Sept. 3, 1953 [hereinafter European Convention on Human Rights].

¹¹ Organization of American States, American Convention on Human Rights, art. 12, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123.

¹² Organization for African Unity, African Charter on Human and Peoples' Rights, art. 8, June 27, 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

¹³ 23 U.S.C. § 6401(b)(1).

¹⁴ Remarks by Brian Grim, President, Religious Freedom and Business Foundation, "The Social and Economic Impact of Religious Intolerance," March 14, 2014, <http://religiousfreedomandbusiness.org/2/post/2014/03/the-social-and-economic-impact-of-religious-intolerance.html>.

¹⁵ Religious Freedom Linked to Economic Growth, Finds Global Study, Religious Freedom & Business Foundation, May 29, 2014, <http://religiousfreedomandbusiness.org/religious-freedom-business>.

¹⁶ *Id.*

¹⁷ Latest Trends in Religious Restrictions and Hostilities (released Feb. 26, 2015), Pew Research, Religion & Public Life Project, at 5, http://www.pewforum.org/files/2015/02/Restrictions2015_fullReport.pdf.

¹⁸ *Id.*

In 2014, there was more persecution of Christians than at any other time in the modern era.¹⁹ When advocacy organization Open Doors USA compiled its annual list of the top 50 persecutors of Christians, the level of persecution and hostility demonstrated by these 50 nations was higher than ever before.²⁰ Approximately 100 million Christians are now persecuted worldwide.²¹ While the brutal violence we have seen in news reports is serious and obviously must be addressed, it was not “increased violence” that was primarily responsible for the record levels of Christian persecution in 2014, “but rather increased ‘cultural marginalization’”—the more subtle “squeeze” type of persecution that makes “‘daily life . . . harder and harder’ for Christians.”²²

Last year, the saga of pregnant Sudanese mother Mariam Ibraheem being convicted and jailed for her choice of faith²³ preceded the reports of the horrors of the Islamic State of Iraq and al-Sham (“ISIS”) across Iraq and Syria. Over the past year, ISIS has murdered Yazidis because of what they believe, killed Muslims because they do not hold what ISIS believes are the correct beliefs, and killed and persecuted Christians because of their religion.

After ISIS recently attacked Assyrian Christian villages on the Khabour River and destroyed their homes and churches, a pastor reported that the main question families struggle with is: “Shall we wait to be killed or shall we leave the country?”²⁴ He said people wonder, “[w]here are the Western countries, churches, organizations and the politicians?²⁵ Where are their voices and acts?” The pastor continued, “[i]t was very hard for me to have answers or solutions, except trying to help by praying and telling the people to continue to be faithful and to wait for God’s direction for their families.”²⁶ These persecuted individuals deserve not merely our attention, but protection. They haven’t relinquished their internationally-recognized right to freedom of religion.

The Genocide Convention prohibits targeting a “religious group” for the purpose of “(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”²⁷ While only one of these acts is required to constitute genocide, ISIS has possibly engaged in all of them with respect to Yazidis, Christians, and other religious groups.

Over 20 years ago, President Clinton hesitated to take decisive action to stop genocide in Rwanda, which he avoided defining as genocide precisely due to the concern that the United States would be *obliged* to do something if genocide was recognized as taking place in Rwanda. As a result, more than a million lives were lost. Several years later, President Clinton went to Rwanda and admitted his error. Now, in the Middle East, the United States has an obligation to prevent genocide.²⁸ It must not fail to do so again.

In Nigeria, Boko Haram continues its rampage of terror, killing and kidnapping at will. Recently, a Christian woman from Nigeria named Damaris Atsen described how her husband was killed by Boko Haram militants during the group’s advance.²⁹ Damaris’s husband was helping a blind man find his way on a public street as Boko Haram approached their location. Boko Haram stabbed Damaris’s husband, and he died of his injuries. Damaris considered suicide, but her church comforted and prayed with her. Through the incredibly difficult ordeal of her husband’s senseless

¹⁹ “Persecution of Christians Reaches Historic Levels, Conditions Suggest Worst Is Yet to Come,” Open Doors USA, Jan. 7, 2015, <https://www.opendoorsusa.org/newsroom/tag-news-post/persecution-of-christians-reaches-historic-levels-conditions-suggest-worst-is-yet-to-come/>.

²⁰ *Id.*

²¹ *Id.*
²² Sarah Eekhoff Zylstra, “*Not Forgotten*: The Top 50 Countries Where it’s Most Difficult to Be a Christian,” Christianity Today, Jan. 7, 2015, <http://www.christianitytoday.com/gleanings/2015/january/not-forgotten-top-50-countries-world-watch-list-open-doors.html?paging=off>.

²³ Sudan court frees woman sentenced to death for changing faith. Reuters, June 24, 2014, <http://uk.reuters.com/article/2014/06/24/uk-sudan-ruling-idUKKBN0EY2GW20140624>.

²⁴ Syria: Christians in Aleppo Search for Answers in Wake of IS Assault, Open Doors USA, Mar. 2, 2015, <https://www.opendoorsusa.org/newsroom/tag-news-post/syria-christians-in-aleppo-search-for-answers-in-wake-of-is-assault/>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Genocide Convention, *supra* note 4, art. 2.

²⁸ This conclusion is shared by the former U.S. Ambassador to Croatia, among others. See Peter Galbraith, *The Obama Doctrine*, The Blog, Huffington Post, Aug. 8, 2015, http://www.huffingtonpost.com/peter-w-galbraith/the-obama-doctrine_2_b_5663778.html.

²⁹ Open Doors USA, World Watch List Press Conference, published Jan. 20, 2015, <https://www.youtube.com/watch?v=Oj9Rmzodp2U> (see video from 19:45 onward).

murder, she was sustained by the grace and power of God. While Damaris's story has elements of hope, people like her also deserve our support—they deserve to have their government, and our Government, standing up for their religious freedom.

THE UNITED STATES MUST DO MORE TO UPHOLD INTERNATIONAL RELIGIOUS FREEDOM

In the face of unprecedented worldwide religious persecution, the United States has been relatively silent—indeed, it has been shamefully silent.

The Obama Administration failed to speak clearly and forcefully in defense of Mariam Ibraheem last year, and only spoke out after significant attention had been brought to the matter.

More recently, after ISIS beheaded 21 Egyptian Christians, and identified them in its own video as “[t]he people of the cross, followers of the hostile Egyptian church,”³⁰ the Obama Administration still failed to identify them as Christians (instead calling them “Egyptian citizens”), despite the fact that ISIS itself stated it was targeting them because they are Christians.³¹ These are but two of numerous failures of the United States to maintain its moral voice on religious freedom. Our silence encourages those who work actively to diminish or even destroy the exercise of this fundamental human right.

The United States has also failed to send the message that it values this right. While the role of U.S. Ambassador-at-Large for International Religious Freedom has been filled, the position remained vacant for a total of 36 of the first 72 months of the Obama Administration. In part due to this lack of effort on the part of the administration, Congress passed legislation to establish a Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia, where the region is in turmoil. Yet despite what is ongoing in the Middle East, this position still remains vacant.

The International Religious Freedom Act of 1998 requires that the United States prioritize religious freedom in its foreign policy, but our Government has failed to prioritize this issue and consistently and courageously condemn recent international religious freedom violations. The international legal framework upholding religious freedom is firmly in place, and the evidence showing religious freedom is good policy is also apparent, yet religious freedom is being neglected in the world today and our Nation's support for it is paltry. We should be ashamed at such developments, especially when one considers the important U.S. role in elevating that right's international legal recognition since 1948.

Our moral voice and supporting actions have been increasingly and noticeably absent with regard to international religious freedom. We must once again find that voice. The world urgently needs it. Our vital interests and security demand it. All people everywhere will be better for it.

Senator GRAHAM. Thank you.
Rabbi.

³⁰Ahmed Tolba and Michael Georgy, “*Sisi warns of response after Islamic State kills 21 Egyptians in Libya*,” Reuters, Feb. 15, 2015, <http://www.reuters.com/article/2015/02/15/us-mideast-crisis-libya-egypt-idUSKBN0LJ10D20150215>.

³¹Jennifer Rubin, *Morning Bits*, Wash. Post, Feb. 19, 2015, <http://www.washingtonpost.com/blogs/right-turn/wp/2015/02/19/morning-bits-532/>; see also Graeme Wood, “*What ISIS Really Wants*,” The Atlantic, Mar. 2015, <http://www.theatlantic.com/features/archive/2015/02/what-isis-really-wants/384980/>.

DEPARTMENT OF STATE

**STATEMENT OF HON. DAVID N. SAPERSTEIN, AMBASSADOR-AT-LARGE
FOR INTERNATIONAL RELIGIOUS FREEDOM**

Ambassador SAPERSTEIN. Mr. Chairman and Senators, I am really honored and pleased to be here, to have an opportunity to appear before you. This hearing could not come at a more critical time, as it elevates the urgent importance of religious freedom and its links to serious security challenges we face.

Religious freedom has always been a bipartisan concern, and this subcommittee has always been ready to assist in highlighting its central role in our foreign policy.

Around the world we see, as President Obama said at the National Prayer Breakfast, how religion is twisted and distorted, used as a wedge, or, worse, sometimes as a weapon. We see how the repression of religious freedom is a cynical tool in the hands of the powerful, sowing conflict and violence among peoples of different faith, employed sometimes out of sheer hatred or prejudice, but often for the subjugation of political opposition and the control of the politically weak.

Around the globe, we are working to build tolerance, reconcile fractured communities, empower minority groups to better advocate for their rights. The Office of International Religious Freedom has long been actively promoting religious freedom and challenging repression across the world. We today have a staff of 20, annually, at least 5 percent of the Bureau of Democracy, Human Rights, and Labor's human rights and democracy fund, about 5 percent is \$3.5 million in resources dedicated to support religious freedom, operating in 16 countries.

But we also draw on many other funds including, Economic Support Fund, Migration and Refugee Assistance and USAID funding, to advance our religious freedom goals.

And the work that we do combined in terms of relief and humanitarian assistance to beleaguered communities, as well direct religious freedom work, we are talking about \$239 million in Iraq and Syria this year for these displaced communities, a sizable percentage of which are religious communities.

Since I began this job 2 months ago, the attacks in Paris, in Copenhagen, the destruction of Baga in Nigeria by Boko Haram, the capture and displacement of Assyrian Christians by DAESH in northeast Syria, and so many other incidents that have not made the front pages, have reinforced for me that the promotion of religious liberty is urgently needed. And it is absolutely essential for security and stability, countering violent extremism and conflict resolution both here and abroad.

With your permission, let me focus now on Iraq and Syria. When I testified at my confirmation hearings, I made clear that the fate of those communities was of the utmost priority for me. We have

a gifted team of officers focused on these countries and these communities who work day in and day out.

Accordingly, I traveled as my first trip, substantive trip, to Iraq, which highlighted just how complex the questions of religious identity, protections of rights, regardless of belief and security, can be.

All those not ascribing to extremist brand of Sunni Muslim ideology, including Shia, Alawites, Christians, Ismailis, Jews, Yazidis, Shabbat, and others, have faced mass killings, rape, forced conversions at gun point, kidnappings, crucifixions, and other atrocities. Some of the world's most ancient religious communities have been displaced, enslaved, and are in danger of losing the option for sheer survival. Noncombatants are the key targets.

And what did Iraqis from vulnerable groups ask us in our meetings? Above all, they want the removal of DAESH. While displaced persons, in addition to shelter, want schools for their children and health care for their families, or they are not going to try and wait until their historic communities can be restored. But they want clear plans to rebuild those historic communities so they can return to their homes.

And they asked for assured security when they went back, requiring them and their local security forces be involved and integrated with the overall security apparatus of justice for the victims of these brutalities during this past year; and changes in the climate and culture and the commitment of the government, to ensure that religious tolerance is being taught and modeled in that country.

These are serious challenges for us and, sadly, intolerance and discrimination against individuals on the account of beliefs transcend borders. People of all faiths are subject to this. The recent Pew study indicated, again, 77 percent of the world's population lives in countries with serious restriction on religious liberty.

We are watching the increase in anti-Semitism, the increase in Islamophobia. We are watching countless rises of Christian communities being targeted across the globe, one of the greatest rises in Sub-Saharan Africa on this issue.

These are central challenges for us, and we must address them. My office and I personally remain deeply committed to vigorously fulfilling our mandate under IRF, and working closely with the Commission on International Religious Freedom, and with you, with the Congress of the United States.

Promoting international religious freedom requires a whole-of-government approach, and I am pleased to say I have found many willing partners since joining the administration. I deeply appreciate Congress' support for international religious freedom and look forward to working with you and to answering your questions.

[The statement follows:]

PREPARED STATEMENT OF HON. DAVID N. SAPERSTEIN

Chairman Graham, Ranking Member Leahy, and members of the subcommittee,

I am honored to have this opportunity to appear before you today. This is my first hearing since arriving at the State Department in January, and it could not come at a more critical time. Thank you for taking the time so early in your calendar to elevate the critical importance of religious freedom and its links to the serious security challenges we face. Religious freedom has always been a bipartisan concern,

and this committee has always been ready to assist in highlighting its continuing relevance to foreign policy.

Around the world, we see, as President Obama said at the National Prayer Breakfast, how religion is “twisted and distorted, used as a wedge—or, worse, sometimes used as a weapon.” We see how the repression of religious freedom is a cynical tool in the hands of the powerful, sowing conflict and violence among people of different faiths, employed sometimes out of sheer group hatred seeking to repress or eliminate those differing beliefs and practices, but often for the subjugation of political opposition and the control of the politically weak. Our work is to advance the protection of those who suffer such repression, whether by governments, such as North Korea, Uzbekistan, or Saudi Arabia, or by nongovernmental actors, such as the Islamic State of Iraq and the Levant (ISIL or Da’esh), Boko Haram, or militant Buddhist groups in Burma.

Around the globe, we are working with governments and religious and civil society actors to build tolerance, reconcile fractured communities, and empower members of minority groups to better advocate for their rights and interests. Since long before my arrival, the State Department’s Office of International Religious Freedom (IRF) has been actively promoting religious freedom and challenging repression of religious freedom around the world. Today, we have a staff of 20 and annually approximately 5 percent of DRL’s Human Rights and Democracy Fund resources (approximately \$3.5 million) are dedicated to support religious freedom programs currently operating in 16 countries. In fact, DRL has recently vetted five new programs using fiscal year 2014 funds worth \$3.5 million that will begin operations in the coming months. Since I began this job 2 months ago, the attacks in Paris and Copenhagen; the destruction of Baga, Nigeria by Boko Haram; the capture and displacement of Assyrian Christians by Da’esh in northeastern Syria; and many other incidents that may not have made the front pages have only reinforced for me that the promotion of religious freedom is absolutely essential for security, stability, countering violent extremism, and conflict resolution both here and abroad. Ensuring respect for basic freedoms, and religious freedom in particular, is not just a moral and ethical mandate, but a national security imperative. Without religious freedom, there can be no real democracy and no lasting security.

When I last testified before the Senate Foreign Relations Committee during my confirmation hearings, I made clear that the fate and well-being of minority and oppressed majority religious communities in the Near East would be among my most urgent priorities. Accordingly, I recently returned from a trip to Iraq, which highlighted just how complex and interrelated questions of religious identity, protection of rights regardless of belief, and security can be—not just for a particular group, but for an entire nation. Politics, laws, and government practices for years have encouraged divisions between people according to their religious identity.

The discrimination and abuses faced by Shia Muslims under Saddam Hussein and by Sunni Muslims over the last few years have fueled resentment and divisions in Iraqi society that have undermined the government’s position vis-à-vis Da’esh. We see now the result. In extremist-controlled areas in Syria and Iraq, all those not ascribing to the extremists’ brand of Sunni Muslim ideology—including Shia Muslims, Alawites, Christians, Ismailis, Druze, and others—have faced mass killings, rape, forced conversion at gunpoint, kidnappings and other atrocities. Some of the world’s most ancient religious communities have been displaced and enslaved. Non-combatants are targets. All of this has served to confirm once again the importance of the protection of human rights in the fight against ISIL, al-Nusra, and all forms of violent extremism.

And what did Iraqis from vulnerable religious groups ask for in our meetings? The removal of Da’esh and assurances of security so that they could return to their homes, of course. But also resources and policies to fight intolerance and discrimination like removing religious identity from ID cards and help in raising awareness about other faiths among religious leaders.

Countering the rise of intolerance has become my top priority because we know that religious repression both drives conflict and fuels the grievances that in turn drive violent extremist recruitment. Violent extremism thrives in the absence of good governance and of rights—including freedom of religion—that democratic, open, and inclusive governments can preserve and secure. As President Obama said at the recent White House Summit on Countering Violent Extremism, “When governments oppress their people, deny human rights, stifle dissent, or marginalize ethnic and religious groups, or favor certain religious groups over others, it sows the seeds of extremism and violence. It makes those communities more vulnerable to recruitment. Terrorist groups claim that change can only come through violence. And if peaceful change is impossible, that plays into extremist propaganda.” That’s why we are working to counter the messages of hate that violent extremists carry,

to alleviate or prevent the social and political repression that give those messages the false perception of legitimacy, and to protect those most vulnerable to extremist attacks and recruitment.

For years, members of my staff have routinely met and maintained contact with members of Syria and Iraq's religious communities, including Christians and Yezidis. When ISIL invaded Nineveh in June and Sinjar in early August, IRF officers became a unique and critical pipeline between the Departments of State and Defense and the victims of ISIL's atrocities in real time. That work, which continues, has been essential to ensuring better protection for these communities as well as to ensure humanitarian aid reaches those who need it most. We have been able to gather a great deal of detailed information, coming to us from the rich network of diaspora and advocacy groups that have done incredible work over the years to highlight the needs of Christians, Yezidis, and others in the Middle East. We have developed direct links with key nodes to our military's anti-ISIL effort and used those connections to assist in ensuring that the security conditions of vulnerable populations are understood and, wherever possible, addressed. We're also facilitating access to the highest levels of our government for representatives of these communities. My team and our many partners across the interagency have also worked in other ways to support the victims of ISIL's predations, including the 5,000 or more Yezidis whom we estimate remain as ISIL captives. Among other things, we have supplied medical care and counseling services for escaped captives, many of whom are victims of sexual violence.

Most recently, we have been consumed by the horrific attacks against Assyrian Christians in northeast Syria. On the morning of February 23, ISIL launched an offensive against a string of predominantly Assyrian villages along one side of the Khabour River northwest of Hasakah city. An estimated 3,000 to 5,000 people were displaced, and upwards of 370 were taken captive. Assyrian fighters, with the help of Kurdish fighters and others, repelled the attackers from advancing on the villages on the other side of the river and are still holding the line there. A week after the initial attack, 23 captives were released, but we remain very concerned for those who are still in captivity, and we are again making our lines of communication accessible to affected communities as we monitor these developments with ongoing attention. A number of our humanitarian partners on the ground are currently providing assistance to those displaced by these attacks.

But the Middle East is not the only region where religious freedom is threatened. In recent years around the globe, millions of Christians, Muslims, Hindus, and others representing a range of faiths have been forced from their homes on account of their religious beliefs. Out of fear or by force, entire neighborhoods are emptying of residents. Communities are disappearing from their traditional and historic homes and dispersing across the map. In conflict zones, in particular, this mass displacement has become a pernicious norm. For such communities to persevere, and they must, the governments and people of the countries in which they live must commit themselves to inclusive governance, to ensuring minority communities enjoy the same rights and privileges as their fellow citizens, with the security they require. When historical communities are driven out of their ancestral homelands, their entire countries are deprived of the rich histories and cultures of tolerance that diversity brings. And the world is a lesser place.

Sadly, intolerance and discrimination against individuals on account of their beliefs transcend borders—it is confined to no region. People of all faiths—and people of no faith at all—are vulnerable. Just two weeks ago, the Pew Research Center released its latest global religious freedom report affirming once again that, “more than three-quarters of the world’s people—77 percent—live in nations where religious restrictions of some kind . . . are either high or very high.” As Secretary Kerry observed at my swearing in, “Our generation prides itself on its modernity, and yet we are still grappling with rivalries that have their roots in the distant past.”

But my role is not only to address such acute crises such as those I've described—though we will never turn away from one. We also must take the long view. Behind each crisis are months, years, and even decades of poor governance, human rights violations, discriminatory laws, neglect, and inter-group tensions. So we are also deeply engaged in the indispensable work of changing the landscape for religious freedom in places where it is needed most. These long term efforts are where we hope to see benefits in years to come.

You cannot have freedom of religion if you are not free to express religious views with which others might differ or even find anathema. You cannot follow the dictates of your religious conscience if you can be punished for choosing the religion that best reflects your conscience. Yet blasphemy and apostasy laws are growing alarmingly common all over the world. In places like, Indonesia, Poland, Ireland,

Russia and Turkey, a conviction for blasphemy, “insult to religion,” “insult to the religious feelings of believers,” or similar charges carries penalties of steep fines or incarceration. And in countries such as Saudi Arabia, Pakistan, and Iran, such “crimes” carry the death penalty.

These and similar laws and policies carry real consequences. Among the other issues we work on, none is perhaps more personal, more deeply affecting than what we do to ensure that prisoners of conscience and belief—those detained and imprisoned because of their religious affiliations and commitments or lack thereof—are given a voice and a chance for freedom. Raif Badawi is a young Saudi Arabian blogger and activist for reform. Originally charged with apostasy, Badawi was convicted after months of court proceedings of the lesser charge of “insulting Islam” and sentenced to 1,000 lashes and 10 years in prison. His crime was simply speaking his mind about his country, his government, and his religion.

Meanwhile, Saeed Abedini, an Iranian-American Christian pastor, remains jailed in Iran after more than 2½ years. The President met with Pastor Abedini’s wife, Naghmeh, in January, and, less than 2 weeks ago, I met with her and with Pastor Abedini’s mother. Although this hearing is focused on religious freedom, I want to note that the United States remains deeply committed to the need for freedom for the four American citizens detained or missing in Iran—Saeed Abedini, Amir Hekmati, Jason Rezaian, and Robert Levinson. Our top officials are directly engaging with top Iranian officials on this and we have engaged our international partners to advocate on their behalf. Beyond Pastor Abedini, of course, we remain deeply concerned about religious freedom broadly in Iran, for all Iranians of all religions—recognized and unrecognized—including Sunnis. The execution rate for Sunnis is the highest among any group in Iran.

International advocacy for religious freedom can work. Last year, those efforts led to the release of Meriam Ibrahim Ishag, a Christian woman convicted of apostasy in Sudan. This is why we cannot stay silent. Meriam’s case also exemplifies the reinforcing efforts between government and civil society. Religious leaders across the globe campaigned along with us for Meriam’s release. Prior to joining the State Department, I was part of a coalition of Muslim, Christian, and Jewish leaders who lobbied the Sudanese ambassador to the United States and the foreign minister on her behalf.

We continue to demand the release of all prisoners of belief and conscience. For 20 years, three Jehovah’s Witnesses, Paulos Eyassu, Negede Teklemariam, and Isaac Mogos, have been imprisoned by the Eritrean Government for refusing to participate in military service. They have never been charged or convicted, but remain jailed for following their religious conscience. In the DPRK countless individuals are detained in the country’s notorious political prison camp system, where human rights abuses are systematic and widespread, for engaging religious activity. In some instances, repatriated refugees are detained in labor camps for simply having contact with religious groups.

In some countries, the very real threat of terrorism is used as a pretext by many authoritarian, and even some democratic, governments to constrain human rights and religious freedom out of fear, sometimes unwittingly helping to foster the very violent extremism they mean to counter by alienating entire segments of the population. What many governments don’t seem to fully grasp is that laws and regulations that criminalize or inhibit peaceful religious activities on the pretext of preventing “extremism” simply substantiate extremist narratives about bad governance and discrimination, providing grievances that violent extremists can use to radicalize and recruit from vulnerable communities.

In multilateral fora, at events such as the recent Countering Violent Extremism (CVE) Summit, in our bilateral diplomacy, and through our programming, we are working to convince governments such as those in Burma, Central Asia, Egypt, Africa, that countering violent extremism can, over the long term, only be effective in open and diverse societies that allow dissent and protect the rights of members of minority groups, preserve the rule of law and view civil society as a credible partner. As ever, the worth of a government can often be best judged by how it treats and protects those who are most vulnerable. Religious freedom, as well as the broader spectrum of human rights, remains a priority not as a matter of principle, but also because it makes for a more secure world.

Not all restrictions on religious freedom are justified as countering terrorism. Some are just about control. To address over-burdensome regulatory schemes that inhibit religious freedom now and over the long term, my office is assessing their global reach and variability. We intend to formulate diplomatic and policy guidance, as well as targeted and effective programming to develop best practices and reduce overregulation of religious communities.

Societal intolerance—grown, often, from the seeds of governmental neglect, sectarianism, and favoritism—is an issue we continue to work on from a variety of angles, including programming. The attack on Charlie Hebdo took place on the very day I started work as Ambassador-at-Large, followed 2 days later by the anti-Semitic terror attack on a kosher market in Paris, and the February 14 shooting at a synagogue in downtown Copenhagen. They underscore the fact that, in addition to facing increasing societal anti-Semitism, some Jewish communities are now actively targeted by violent extremists. This past month, the Pew survey affirmed what we have found in our work—that anti-Semitism is rising across the globe. Not only are individual lives at stake, but the viability of some Jewish communities in Europe is threatened as members come to believe they are no longer welcome in their own countries.

Increasingly, Muslim communities in Europe are also facing a hostile climate. They are seen as outsiders—and in many cases this is, once again, a result of poor policies and planning as well as social discrimination. Many Muslims, like Jews, are afraid to report attacks and discrimination to the authorities where they live. With anti-Muslim hate crimes on the rise in parts of Europe, we have urged greater outreach to Muslim groups through projects such as OSCE expert meetings on combating hate crimes against Muslim communities. And in our programming efforts, we have piloted bilateral training programs (using experts from the Department of State, Department of Justice and Department of Homeland Security) to work with police in other countries on how to effectively address, reduce, and respond to hate crimes.

My office, and I personally, remain deeply committed to vigorously fulfilling our mandate under the International Religious Freedom (IRF) Act and working closely with the United States Commission on International Religious Freedom. The threats to religious freedom and the resources required to meet that threat are more than one person or one office can do alone. Promoting international religious freedom requires a whole-of-government approach, and I am pleased to say that I have found many willing partners since joining the administration and have the honor of serving a President who is a true leader on this critically important issue. I deeply appreciate Congress' support for international religious freedom and look forward to continuing to work with you. I look forward to your questions.

Senator GRAHAM. And they all said amen. That was very good. I think, Mr. Ambassador, you are the right guy for the job.

Ambassador SAPERSTEIN. Thank you, Senator.

Senator GRAHAM. To all of you, that was excellent.

Before I ask questions, and we will get started here now, I want to put in context the dilemma we have as a Nation.

As these atrocities increase, as religious persecution runs rampant, as genocide is on display, we and most of the free world are beginning to reduce our military capabilities to historic lows. I have never seen more organizations with the capability, manpower, weapons, and will, radical Islamic organizations ready to attack us here at home, than I have any time before 9/11. This problem is getting worse, not better, and the Congress has to find a way to fix sequestration.

We will have the smallest Army since 1940, the smallest Navy since 1915. A Marine Corps—I know, Mr. Perkins, that you care much about—that can only do one contingency at a time.

All I can say, Bishop, you can't solve this problem militarily alone, but if you don't have a capable military, you are never going to solve this problem. These people will not be negotiated with. They will not be convinced to abandon their ways. They have to be captured or killed. And once they are captured or killed, you have to rebuild the communities they have destroyed.

So we are in for a generational struggle. The President was right about that.

The foreign assistance account is about 1 percent of the budget. This is the account that everybody likes to showcase, as if you just

got rid of this account, we wouldn't have to do the other things to balance the budget.

This account is subject to a lot of demagoguery. "Why are we building roads and schools over there when we need them here at home?" We do have a budget problem here at home. We do need better schools and roads here at home.

But my belief is that if we are not involved over there constructively, it is just a matter of time before they come here.

So to all of you, thank you for coming today and shedding light on this problem and supporting this account. I am a conservative Republican. Senator Leahy is on the other side of the aisle. We are trying to get our colleagues to stop sequestration, regarding this account, because our ability to protect Embassies and Consulates is going to be compromised as our diplomats serve in harm's way. Our ability to provide development aid, refugee assistance, is going to be gutted, at a time when we need this account to supplement the military, because, Bishop, you are right. This is not just about killing people who are terrorists. It is about building up those who would fight back.

The good news is that most people in the region are not buying what these guys are selling. Most fathers do not want to give them their daughters.

All things being equal, the Christian community in Syria has thrived until this recent event. The same is true in Iraq. The Mid-east is going through a transformation as to who should govern and how they should govern. Young people are demanding more rights. They are refusing to live in dictatorships for our convenience. And I don't blame them.

There is a fight for the heart and soul of Islam. This is a religious war, and we need to take sides. I will take side with those in the faith that will allow me to live peacefully and co-exist peacefully.

Our goal is to build those people up over there who will take the fight to the radical Islamists, so they don't come here. That is a labor-intensive effort far beyond military might.

America needs to understand, in my view, that this is a generational struggle, that we will have troops forward deployed for the rest of my life and beyond, to keep this problem from getting back here. And if we do not invest in building up the communities they are destroying, it will repeat itself over and over again.

Please understand how this ends. We win; they lose. The only thing unknown is how many people must die between now and then.

My view is that the sooner we can bring about their demise, the safer we are here. It will save lives. It will save money. Wishing it away and hoping that it would stop is not going to work.

So this is one hearing in a series of efforts by the Congress to look ourselves in the mirror and accept some responsibility for this and try to do better.

Mr. Ambassador, are you adequately resourced, given the challenge you have? And if not, what do you need that you don't have?

Ambassador SAPERSTEIN. I don't know any office that works so diligently, as I see it, in the State Department, and I am sure it is true in the other bureaus as well, that can't use more resources.

We have a very strong staff. I am, day in and day out, really impressed with the staff.

Senator GRAHAM. Aren't you overwhelmed? I mean, this problem is getting worse, not better.

Ambassador SAPERSTEIN. Yes, we absolutely are.

We have to cover the entire globe, 199 countries. It is different than most Ambassadors, who have daunting challenges covering the single countries that they must cover.

If I had additional resources, we are structured currently the way much of the State Department is, on a regional basis, with expertise in different regions, including the Near East region, as I talked about.

There are special projects I would love to run, projects addressing blasphemy laws and conversion laws, which are so important; the role of religious freedom in national security, counterterrorism.

Senator GRAHAM. Because we are running out of time, could you provide me and the subcommittee sort of a wish list, realizing you can't have everything you want, but prioritize what you need that you don't have, so that we could make you more effective? Could you get that to us, please?

Ambassador SAPERSTEIN. I would do that. Allow me just to add that the great fear of good people at the State Department ever answering that question is we don't want it to come from other vital functions in the State Department.

Senator GRAHAM. I got that. You can't rob Peter to pay Paul. And that gets us to the bishop. Because you used that phrase.

Bishop CANTÚ. Am I Peter or Paul?

Senator GRAHAM. You choose. You are a man of God, and we are glad to have you.

So the bottom line is, how does a non-governmental organization successfully operate in the security environment that exists today in Syria and Iraq?

Bishop CANTÚ. Well, very carefully, and working with the local organizations there.

Caritas Iraq has been tremendously helpful. They know the area. They know the culture. And the wonderful people of Catholic Relief Services operating in Kurdistan have wonderfully employed those tremendously talented young students who fled Mosul.

Senator GRAHAM. So you feel like there is some security, anyway?

Bishop CANTÚ. There is. While I was visiting there in the region, I never felt a lack of security.

Senator GRAHAM. That is good.

Very briefly, I don't want to go over too long here, could you inform the American people, based on what you have seen on the ground, what awaits the world to reconstruct these communities? Is it a massive effort that we are going to have to undertake?

Bishop CANTÚ. Absolutely. And as I sat down with the local bishops there, the Archbishop of Erbil, he asked most urgently for aid, for humanitarian aid, for development, and for protection of the religious minorities.

Senator GRAHAM. Mr. Sekulow, do you believe that the international law that applies against religious genocide in support of religious freedom is in violation by ISIL?

Mr. SEKULOW. Absolutely. There is no doubt about it, Senator.

And something that you said, which has struck me personally today, as I think about it, when you talk about the intergenerational conflict, I just became a grandfather, and the idea that my grandson could be fighting this conflict.

And the fact is that ISIS not only ignores any rule of law with regard to religious freedom, they, certainly, don't in any way comply with the laws of armed conflict, as you would know very well. This is an organization that has to be crushed, as you said. There is not a negotiating point. It has to be crushed, eliminated.

And they are growing. And the fact Boko Haram has just pledged an allegiance to them I think is even more troubling.

Senator GRAHAM. What would you recommend this subcommittee do regarding the nation-states that you mentioned, that you believe are involved in persecution?

Mr. SEKULOW. Well, especially to the nation-states that are allies to the United States, I would urge Congress to take concrete action, and that is funding, which is the lifeblood of a lot of these governments, put with a precondition. And that precondition is there has to be an affirmation and a compliance with international charters that they have signed, whether it is the Universal Declaration of Human Rights or other international obligations, and that we have the ability to deny those funds if, in fact, the government does not comply.

Senator GRAHAM. Mr. Perkins, do you agree with that? And what would you suggest we do?

Mr. PERKINS. I do. I agree wholeheartedly. And I think you are taking a great first step. I don't want to, in any way, undercut the value of this subcommittee hearing.

Last year, when Mariam Ibrahim, the Sudanese Christian woman, was being detained, we worked with members, and then the House Committee on Foreign Affairs hearing was held to highlight her situation and what was happening in Sudan. And 4 hours later, she was finally released.

So I think just the fact that you are holding this hearing is sending a message that this issue is one of great importance.

Now, I agree with you. I think we cannot underestimate the influence of a strong, trained, well-equipped military. I think the best diplomatic corps has a military that is ready and waiting in the wings. We have to address that aspect of this. You are absolutely right.

But we do have the diplomatic aspect, and we have the Special Envoy position, the bill that Senator Blunt moved through, that remains vacant. We need to have that position filled. We need to have all the players on the field if, in fact, we want to prevail in this.

Senator GRAHAM. Thank you all very much.

Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman. Thank you all for being here today.

Ambassador Saperstein, I wanted to talk to you about the disturbing trend line of events in Europe.

Surrounding the Israeli intervention in Gaza, there were a number of riots and attacks against Jews and against Jewish commu-

nities. We saw 18,000 people gather in Dresden, Germany, to protest the influence of Islam on the West.

In the European parliaments today, you have a greater number of nationalist representatives. Many of them have campaigned on or are part of parties who condone anti-Semitism and anti-Islam activities.

Can you talk a little bit about your office's role is in reaching out to our European partners, specifically reaching out to this newly constituted European parliament, to make sure that we collectively are taking the steps necessary to crack down on all of this behavior that we have seen running in the wrong direction recently?

Ambassador SAPERSTEIN. These are significant problems. I am glad you put them on the table.

In some ways even worse, we had visiting imams in large mosques in Germany calling for the extermination of Jewish people. We have seen for the first time since the end of the period before World War II mob attacks on synagogues, people being assaulted on the streets, shootings at Jewish schools, laws that affect both Muslims and Jews that would restrict the right of religious slaughtering practices and circumcision.

So we are working with all of them. We have a robust program with a special envoy dedicated to combating anti-Semitism. Ira Forman, he and I worked together on an ongoing basis, our staffs, day in and day out. We travelled all over that area. He has been incredible in doing that.

Working with the Organization for Security and Cooperation in Europe, working with the European parliament, we have encouraged them to have a special envoy, like him, devoted to this issue.

Many of the countries have responded after Paris in ways that hadn't been true before. It was an alarm bell that woke them up.

We are going to continue to be vigilant, covering every one of those countries and lining up international support to address these issues.

Senator MURPHY. Turning our attention south to the African continent, a number of nations there have passed onerous and, in my view, unconscionable laws criminalizing homosexuality; condoning looking the other way, at best, when it comes to intimidation, retaliation, beatings of individuals who are gay, lesbian, transgender.

What does the United States do when a country is using an argument connected to religious freedom in order to discriminate against a minority group, like lesbian, gay, bisexual, and transgender (LGBT) individuals? What is our approach to a country that is raising that very important flag that we believe in, of religious freedom, and then under that umbrella, using it to either carry out attacks or look the other way when attacks are happening on these populations?

Ambassador SAPERSTEIN. We have a range of steps that we can take sometimes, the kind of sanctions you talked where human right abuses are involved. But we engage in multilateral efforts and bilateral engagement efforts to try to get these policies changed. We have programs through the Bureau of Democracy, Human Rights, and Labor (DRL), the human rights division, and now a special envoy on LGBT concerns, who invests in programs to help civil society respond to protect beleaguered minorities.

There are visa bans in the areas dealing with human rights law and religious freedom law.

So there is a range of steps we can take. We use all of those tools, as we are engaging with countries on any kind of human rights violations, any kind of discrimination against minorities. And that is equally true with the LGBT community.

Senator MURPHY. All right.

Thank you very much, Mr. Chairman.

Senator GRAHAM. Senator Lankford.

Senator LANKFORD. Chairman, thank you very much for the work that you do all the time on this issue and continue to raise it.

I have a philosophical statement that I want to make, and want to be able to get from you, then I want to get some very practical things on it.

One is, talk me through—and I am going to ask each of you to just make a quick comment on this, and I will begin with the bishop first and work my way across to the Ambassador—the difference between freedom of religion and freedom of worship, because that is becoming a much-discussed issue in the days ahead.

What is the American value? Is this about freedom of religion or freedom of worship? Any thoughts that you have on that philosophical question, and I am going to come back for some practical things as well.

Bishop.

Bishop CANTÚ. We need both. And freedom of worship is much more limited. If we might have a visual, it is within the walls. Freedom of religion, religion is practiced 7 days a week, not just on whichever day we are within the walls of the temple or the church or the synagogue.

Senator LANKFORD. Thank you.

Mr. Sekulow.

Mr. SEKULOW. Senator, I think the best thing to do is look at the Universal Declaration of Human Rights Article 18, which states that everyone has the right to freedom of thought, conscience, and religion. That would assume both freedom of religion and freedom of worship.

And then the individual international documents, international obligations, that these governments have signed on have also protected religious worship.

I also add that in addition to our view in the United States of religious freedom, that it subsumes also religious worship, the European Court of Human Rights, where we have litigated cases, they recognized religious freedom and worship go together.

So I think that trying to separate those two, I think they are part and parcel of the same.

Senator LANKFORD. Okay, thank you.

Mr. Perkins.

Mr. PERKINS. With Jay Sekulow to the right of me, there is not much left for me to say.

I think we go back to international law and the Universal Declaration of Human Rights. It sums it up, that religious freedom is the ability to live it out.

Freedom of worship is a truncated view of the freedom of religion. The freedom of religion is the ability to live your life not just within the four walls of your church or the four walls of your home, but to be able to take it into the marketplace, to be able to take it into the broader culture. That is what America has long stood for and protected both here and abroad.

And that is what is at risk we see both domestically and internationally.

Senator LANKFORD. Right.

Mr. Ambassador.

Ambassador SAPERSTEIN. Freedom of religion is absolutely central. Freedom of worship is absolutely central. It doesn't cover freedom to educate your children, freedom to speak out on your religious beliefs, freedom to proselytize, freedom to get together in group activities beyond worship. It doesn't include the right of people to choose the faith that they want or chose not to believe, if they want, or the right to convert. All of those are covered under international accords by freedom of religion. It's very important.

I was delighted that the Secretary at my swearing in used freedom of religion. The President has used freedom of religion. It is important that that be the message going out to the world.

Senator LANKFORD. The Secretary was in front of one of the other committees just a few weeks ago, and that was highlighted to him and it was appreciated, actually, by Senator Blunt as well, to publicly acknowledge the fact that he used freedom of religion, which we believe is the appropriate and also the constitutional term on being able to practice. That is important not only in our country, which is a beacon to the world, that when Navy chaplains are told what they can and can't do, when the individual state schools shut down, to be able to practice your own religion on campus, these become serious challenges to our example to the world of living out freedom of religion.

So when that gets diminished here, it becomes a serious issue of trying to shine that beacon in other places as well.

I do want to ask some pragmatic things.

Mr. Ambassador, talk me through, in your beginning months here, as you look at the list of options in your tool kit on being able to promote religious liberty around the world, what are the tools you see as the practical levers of power that you can pull to help spread this value and this dignity to humanity worldwide?

Ambassador SAPERSTEIN. Senator Lankford, I began to actually list some of them. We have the countries of particular concern (CPC) designation.

Senator LANKFORD. Right, which I have some questions about.

Ambassador SAPERSTEIN. Okay. And they are important in terms of naming, and they are important in terms of sanctions, when the sanctions are applied under those rules. Secondly, we have the bilateral engagement that goes on, day in and day out, on behalf of religious prisoners of conscience, on behalf of the groups that were discriminated against. All across the globe, we are constantly speaking to governments, encouraging them to withdraw bad laws that they may be considering, to changing law to allow for more freedom of religion.

We do have visa bans. One of the things that I have done, they have not been used enough. I have instructed my staff to look for a more robust set of recommendations that we can make on behalf of this.

And we have the power of the pulpit of the world, the ability to speak out and to inspire others and to convince them that this is not just good in and of itself, but it is good for the kind of stability, openness, and tolerance that will create a better society for their own citizens as well.

Senator LANKFORD. Let me ask, is your staff being consulted or have you been engaged at all in the early days of this process of trade negotiations with Asia? There is a lot of conversations going back and forth right now.

Vietnam is one of those nations that is in the middle of this conversation, obvious religious liberty issues there. Has your staff or you been involved in any conversations about any trade negotiations?

Ambassador SAPERSTEIN. The Trans-Pacific Partnership (TPP) negotiations, we have not been consulted on, *per se*, but we been involved with all the offices that are involved with those negotiations on the general role of considering religious freedom in our bilateral relationship.

Senator LANKFORD. Have you had enough access in that conversation?

Ambassador SAPERSTEIN. Again, we have not been consulted directly on that, but we have had more than adequate access to the offices that are dealing with it in our general work.

Senator LANKFORD. Okay. You mentioned before the countries that are of particular concern, the CPC. Obviously, there are quite a few countries that are not on that list, Vietnam being one of them, Pakistan being one of them, Syria actually being one of them.

What is the process for that right now, to be able to move that along?

Ambassador SAPERSTEIN. With every country that we consider, and we get a lot of recommendations from the U.S. Commission of International Religious Freedom, from outside organizations like those represented at the table here. And all of that is considered. Every country is analyzed. Recommendations are made. There may be countries that have serious problems but don't quite reach the legal definition of egregious, systemic forms of persecution, whether they are on the CPC list or not.

All of those countries, if they made it to the point where we would be considering them, all of those countries get our attention and concern, and we develop plans on how to move them in a better direction.

But ultimately, it is the President, designated over to the Secretary, who will make the final decision, once reviewing all the materials we have put together.

Senator LANKFORD. Do you have the freedom of access to be able to make those recommendations, say we have real concerns and we would encourage this elevation of this conversation?

Ambassador SAPERSTEIN. Both the office has the freedom of access, and I personally have that freedom of access, as the Secretary has testified publicly.

Senator LANKFORD. Thank you, Mr. Chairman. I yield back.

I ran out of time, but I do hope that one of the other panelists will talk about the vacant position on the envoy for religious liberties issues in the Middle East.

And I yield back.

Senator GRAHAM. Thank you.

Senator Kirk.

Senator KIRK. Mr. Ambassador, I wanted to raise the case of Mavash Sabet. This is Mavesh right here. I got the laser beam on her, over there on the right.

She's a 67-year-old Baha'i who has been in prison in Tehran for just being a Baha'i leader. These people that you see are all of the Baha'i faith.

I wanted to tell the subcommittee that I am going to be doing what I can to make sure that Mavash Sabet is a poster child for all the prisoners of conscience that we see in Iran.

I would hope, because you are a member of the administration, given the delicate negotiations that we have with Iran, that we would be full-throated in our ability to advocate for the religious freedom of Baha'is.

Ambassador SAPERSTEIN. Senator, it's always awkward, I am never supposed to speak as an individual here, but let me just say that anyone who has worked with me over the years knows the close relationship I have had with the Baha'i community, having spoken out for years on these issues.

Now inside the government, I am delighted to see that inside the government, the situation of the Baha'is who are being persecuted and discriminated against terribly in Iran, but in so many countries in that region, are actually a group of great concern within the State Department. There is a lot of support for speaking out, and acting on and engaging on behalf of easing some of these restrictions on the Baha'is and protecting prisoners of conscience.

Senator KIRK. Thank you.

Thank you, Mr. Chairman.

Senator GRAHAM. Thank you very much.

Senator Moran.

Senator MORAN. Mr. Chairman, thank you very much.

Thank you to our panelists for being here.

In the course of history, is there an ebb and flow of religious persecution? It increases at points in time, decreases at others? And what would be the cause and effect, the factors that change the nature of the amount and intensity of religious persecution around the globe?

Mr. SEKULOW. I think an example, and the Secretary of State brought this up in testimony just a few days back, where he said, if you look at the violence that occurred through the last century, that it is safer now than it was in the last century. Well, the last century was the Holocaust, where 6 million Jews and 6 million others were killed.

The ebb and flow tends to be with the rise of nationalism, with a disregard of anyone being different, or anyone being different

being deemed the enemy. And it starts in the education process. I know this is something that Ambassador Saperstein has been concerned with.

If you teach hatred, you breed hatred. And I think this also goes back to what Senator Graham said. We have to understand nation building here—I know that is not a popular word here—but we have to engage it.

With regard to this kind of ebb and flow, I think we are at a point in history right now, if we look at what is taking place just in the Middle East, I am not even going to include most of North Africa, just in Middle East, there is a 9/11 every single day, every single day, and some days much worse, just the sheer numbers of people being killed.

That includes the Baha'is. That includes Yazidis. That includes Christians. And, of course, with some other groups, that includes Jews.

And I think we are at a point in history where they may not have the lethality yet, in the sense of the systematic approach of the Nazis, but they are certainly marking people because of what they believe in for extermination. And that does not bode well for the people.

Senator MORAN. Is it that you believe something different than those in power?

Mr. SEKULOW. Certainly, and I think the Islamic state is a perfect example this. ISIS, now called ISIL, now just called the Islamic state, has a view that if you are Muslim that disagrees with them, you are an infidel.

In fact, in one sense, they are worse than other religious groups. So that is why you are seeing this mass destruction within the Muslim community.

I was talking with a friend of mine, Canon Andrew White, who is the vicar of Baghdad for the Anglican Church in England. He is now in Jordan. And he said that if you look at the indiscriminate nature of ISIS, they have a very narrow view of their version of Sunni Islam, but you now have this pledging of allegiance by these other groups.

No one likes to say you are in a religion war, but we are, Senator, as you said. No one wants to say we are in a war with Islam. Well, tell that to Caliph Ibrahim.

It may not be the Islam that most of the people support, granted. But it is this version and this version is as toxic as the Nazis. And I lost a lot of family members in Nazi Germany, so I don't say that lightly. I had a whole side of my family wiped out in Nazi Germany.

But it is that same kind of systematic approach.

Senator MORAN. I think my choice of words "ebb and flow" is unfortunate, in a sense. It is not that causal. I don't mean to down play that it is just some force beyond our control.

But the answer to that question I think helps determine what the response is to fight religious persecution.

Mr. SEKULOW. One of the things, Senator, you mentioned, I think this exactly applies, Senator. Under the International Religious Freedom Act right now, nonstate actors aren't covered. But if we include nonstate actors in that, and I think we have to, ISIS is op-

erating like a state first of all, if you include nonstate actors, all of the sudden, we can freeze assets, we can deny access, we can deny entry, we can move on visas, we can move on passports.

And when you have U.S. recruits, we need to put nonactors inside the International Religious Freedom Act. That needs to be an amendment authorized by the Congress.

Senator MORAN. Thank you very much.

Ambassador, as we know, we have ongoing negotiations with Iran currently related with nuclear weapons. Is there a conversation, a discussion, negotiations going on directly with Iran related to religious persecution? And if you could bring me up-to-date on Pastor Saeed and the latest efforts, our efforts, to see his release?

Ambassador SAPERSTEIN. Lend me 20 seconds to just add to what Jay Sekulow said?

Senator MORAN. Please.

Ambassador SAPERSTEIN. In our International Religious Freedom reports on 199 countries, every one of them has a section about social hostilities. Every one of them has a section on nonstate actors. So we are fully reporting and engaging on it.

And what we test in that is, does the government respond to it? It is failure to respond. It isn't just complicity. It isn't just what they're acting on. They are complicit if they let it happen and they don't act. So there is at least some engagement on those issues.

Yes, look, there are limits when we don't have diplomatic relations with a country. But around the sidelines, I think this is well-known. Around the sidelines of the nuclear talks, Wendy Sherman has engaged over Saeed Abedini. There have been extensive conversations.

We have used the Swiss and other international partners who have better relations to deal with American prisoners of all kinds, religious and nonreligious. But that includes religious prisoners of conscience who are American citizens, and some who are not, on these issues as well.

But there are limitations. But Saeed Abedini, that has go on, we do know.

And I know I want to commend the American Center for Law and Justice on their extraordinary work for the Abedini family. I have learned from them that his father is now allowed to visit him again. That is encouraging, but nothing is going to be satisfactory to the family or America until he is released.

Senator MORAN. Let me raise one other country and that is China.

Bishop, let me address this to you. I think Pope Benedict and now Pope Francis has made efforts at outreach to China to reestablish a relationship. Is there any tangible progress that is being made in the protection of Christians and others in China as a result of the pope's efforts?

Bishop CANTÚ. Well, I haven't seen anything or monitored that, as far as progress. But we are allowing the Vatican to take the lead on that, so we don't want to disrupt that process. And it's, certainly, one of dialogue and building some trust. But, obviously, there are tremendous challenges in the situation there with the underground church and the official church.

But we want to encourage. We don't want to do anything that would disrupt or harm that dialogue that the Vatican has reached out to.

Senator MORAN. I appreciate that you are halfway around the globe, but I do appreciate the Vatican's efforts, in China and elsewhere. They have been an ally of the efforts to reduce religious persecution and promote religious freedom. And I appreciate that very much.

Bishop CANTÚ. Absolutely.

Senator MORAN. Mr. Chairman, thank you.

Senator GRAHAM. Yes, sir.

Senator Blunt.

Senator BLUNT. Thank you, Chairman.

And thanks to all of you for what you do for this cause. It actually seems to be a bigger and bigger problem all the time. I think as we step back, this problem just gets bigger. That is why I was so pleased the other day, as Senator Lankford mentioned. In another hearing we had, Secretary Kerry was at least using "religious freedom" as the term he was using. I think his predecessor often talked about the freedom to worship, seldom if ever talked about religious freedom. I was pleased with all the answers.

And most importantly, Ambassador, I was pleased with your answer. In fact, when I looked at your testimony, I just started going through circling the times I saw "religious freedom" used before Senator Lankford even brought that question up. Eventually, I decided that I was satisfied that religious freedom was coming up as what you are focused on and what you do.

As you know, I supported your nomination and was pleased to. At the time, we talked about the special envoy for Near East and Central Asia, that the only way we would get it passed was to leave some flexibility to the administration. Rather than "shall appoint," it says "may appoint." That was August of 2014. I don't see an appointment yet. I would like to hear from you that you're advocating for that or don't think you need it. I think I heard earlier you had more than you could do.

We have given you a real opportunity to get someone to help you in this critical spot. What are you doing about that?

Ambassador SAPERSTEIN. Again, the internal deliberations I need to take a pass on. But let me just say the following, before you came in, I talked about the fact that we have a very, very strong team on Near East who are working, day in and day out, on these communities and these countries.

If the White House is going to make a decision, should it select a special envoy, it will certainly be of help to us. As I indicated in response to Senator Graham's question, there are a number of specialized, urgent tasks that have to be developed, that if we had the staff, we could really do something about them. That would be clearly an addition.

One of the challenges is I don't believe in the legation there is funding for the special envoy. If I am right about that, here again the robbing Peter for Paul on this. If it is a value-added, anyone specializing on any one of the urgent countries you heard about or regions would be of immense help to us.

Senator BLUNT. I think in all that the State Department faces, if any of them have grown dramatically in need in the last couple years, it is this one, and shifting resources also, if you do have this incredibly capable team that you just described, surely one of them would benefit from the imprimatur of special envoy.

That is all you have to do, if one of them is that good. If one of them is not that good, I suggest you replace him with somebody who is that good and make them the special envoy. This should not be a budget discussion.

This is either important or it is not important. You can find the money to do this, if you want to do it. You can let somebody go who you currently got working on these issues, if they are not good enough. If they are good enough, you can make them the special envoy and let them carry that into every room with them where they are trying to get something done.

And on Pastor Abedini, as Mr. Perkins mentioned, last year, we did see a good result of the discussion on Mariam Ibrahim, from this discussion. As you mentioned, nobody has been more vigorous in trying to pursue this issue than Mr. Sekulow and his group.

I just find it hard to believe that in all the things that we have done with the Iranians, that this has really been the kind of focus it should have been. We have given them millions of dollars of money back that we've held onto since 1979, just asking if they would talk to us for another 60 days. That was the last deal made.

That had to be an interesting proposition for them, just continue to talk for 60 days and we will give you several hundred million dollars back we've held onto since 1979.

And in that process, we couldn't get one person out of prison that nobody in this country believes should be there?

Mr. SEKULOW. I will say, this, Senator, Ambassador Saperstein within weeks of being sworn into office took a personal interest in Saeed Abedini's case, not only willing to meet with the family but working on multiple fronts, because there are these periphery discussions that take place. And we are not disclosing anything that is not known.

Frankly, and I want to be careful on this, but, frankly, the discussions help keep him alive. I think we have to realize, just the discussions—this hearing helps keep him alive. Comments from the President of the United States saying something about Saeed Abedini keeps him alive. Your testimony, your statements keep him alive. These sideline discussions keep him alive.

It doesn't answer the question of how we got to this place in the first place. In other words, where we are going to sit down with the Iranians and didn't have some kind of preconditions. It's not just Saeed Abedini, but get these Americans out of jail.

Having said that, there is nothing we can do about that right now. But what we can do is this: Insist that, apart from any deals with Iran, any structured arrangements with Iran, that Saeed Abedini and his family are reunited, as other Americans need to be from Iran.

And I do want to say, again, that Ambassador Saperstein has taken a unique and important interest in this case, at a level that we haven't seen previously. There has been support within the Ambassador's office and his predecessor, but this is at a whole new

level. And a lot of that is because of relationships and willingness and a commitment to this issue, for which we are very appreciative.

And the fact that the President met with Naghmeh Abedini, someone asked me how significant that is. They said, well, they are a different political party, the other side of the political isle here. I said, well, it is the President of the United States talking about someone who is held captive in Iran. It helps keep him alive.

And right now, until he's released, we have to keep him alive.

Thank you, Senator.

Senator BLUNT. I appreciate that. I wonder, Mr. Sekulow, since the Ambassador probably can't talk about this—and by the way, Ambassador, I am very pleased to hear others working on this having the sense that you are headed in the direction that I thought you would be whenever I stood in the well of the Senate and as members came up and asked, "Why are you voting for him?" I said because I think he's committed to get this job done. And I am glad to hear that.

I do wonder why, in a country that appears to have so much at stake, or not—I am not sure how serious the negotiations are—why the message of the level of good faith this would create doesn't get through to them, when the President of the United States is doing this.

Do you have any idea why he is that important to them?

Mr. SEKULOW. You would think as a confidence-building measure in discussions like this, that they would release the American, just as a confidence-building measure. But I think we are looking at that through our eyes and not through the eyes of their own experience within a regime that is controlled in a different way. It is not a real judiciary. It's not really an elected legislative body. It is run by the Revolutionary Guard and the ayatollah. And that is the reality of what we are dealing with.

And I think we tend to look, Senator—it is puzzling to all of us. Why would you not release this American?

We actually saw the documents upon which charges had been made against people like Saeed Abedini. We've seen these in other cases, too. And they'll say, they're an enemy of the state because of their religious belief.

They do the same thing to the Baha'is, as was said earlier by the Senator. It is the same kind of thing.

Why they picked on the American, I hope it is not as a bargaining chip. But right now, if it is involved in the political process, and that is helping to keep him alive, then my job as his advocate is to do that.

Thank you, Senator.

Senator BLUNT. Thank you, all.

Senator GRAHAM. Senator Daines.

Senator DAINES. Thank you, Mr. Chairman.

I am very pleased to be here today, discussing this very important topic of religious freedom. My great, great grandmother—in fact, my mom told me this as a child. She said, why did she come to America? They left Scandinavia for economic freedom, but also for religious freedom. And that is why our family came to the United States years ago, and it was the government interference in

the church affairs, the whole free church movements. So I am grateful to be discussing religious freedom here today.

I know, as I travel around Montana, you talk about the Second Amendment and guns, the phones light up. It is an important issue for us back home. But when you ask high school students what the First Amendment is about, you usually hear about freedom of speech and freedom of the press, but they forget about the very first part, which you all know, this distinguished panel, freedom of religion. I am grateful for that, for our country.

So in light of that, Mr. Perkins, thank you for being here, and for your testimony. In your view, has the current administration shown moral clarity on issues of religious freedom?

Mr. PERKINS. Thank you, Senator.

Now I obviously don't know everything that is going on, but the fact that for 36 months the Ambassador's spot remained vacant sent a message that we did not put a priority as an administration, as a country, on religious freedom. I am grateful that the Rabbi is now there, because I agree, I think he is doing a good job, and I look forward to working with him in that post.

But there is so much more that can be done. And this is not a one-size-fits-all approach to this religious liberty and freedom threat. The Middle East is one aspect. You look at what is happening in North Korea. China has been mentioned.

We haven't mentioned India. After their elections, religious freedom has slipped in that country. We need to be watching very closely what is happening not just with Christians but all religious minorities there in that country.

Under the International Religious Freedom Act, this is to be a priority in our foreign policy. Our training for our Foreign Service Officers is to be a priority. Diplomats, it requires diplomats to meet with NGOs to promote religious freedom.

Now, you probably have had more interaction with Ambassadors than I have, but I have met with foreign Ambassadors. In my conversations, this has never been a topic that has been brought up to them as a priority in our foreign policy. In fact, it has been contrary.

So to answer your question, Senator, I would say, no, they have not spoken with clarity. It has not been a priority that has been put forth by this country, this administration.

As a result, we see record levels of religious persecution. And according to the experts that track this, it's not about to crest. It's continuing to rise. And the foreseeable future does not look good.

Senator DAINES. Thanks, Mr. Perkins.

A question for the bishop, and I say this in the context of having spent 6 years living in China back in the 1990s. I was an ex-pat with a Fortune 20 company there, launching operations to sell products into a Chinese market.

In light of the Catholic Church's difficulties with the Chinese Government regarding the appointment of bishops and freedom of worship, has the United States Government played a positive role for the church and pressed the Chinese Government to allow the Vatican to appoint its own bishops?

Bishop CANTÚ. I am not an expert in diplomacy. I am a pastor. But the fact that, as I mentioned earlier, that we want to allow the

Vatican to take the lead in this, and if anything we want to open up some space, yes.

Senator DAINES. Are you getting help from the U.S. Government?

Bishop CANTÚ. I'm not sure. I'm not sure. But just as a good physician—

Senator DAINES. "I'm not sure" would, certainly, not be a yes.

Bishop CANTÚ. That is not a yes.

Senator DAINES. Okay.

Bishop CANTÚ. As a good physician, first, you do no harm. And so we want to be sure that we don't do harm in opening up some space for dialogue.

Senator DAINES. And I understand it is a sensitive topic, having lived there for 6 years. But I hope we are doing all we can, in terms of government here, to help the cause there, the freedom of the Catholic Church.

Bishop CANTÚ. I appreciate it.

Senator DAINES. You bet.

Mr. Perkins, we have talked a lot about religious freedom abroad today, but as Matthew 7:5 tells us, we want to be careful that we are not looking at the speck in our brother's eye when we have a log sticking out of our own.

Is the U.S. in a position today to be talking about religious liberty overseas when we clearly have a lot of work to do in our own country?

Mr. PERKINS. I think that's an excellent question, Senator. And I think the lack of priority on religious freedom that we have placed here domestically in our policies does send a message internationally. I think there is a correlation between the growing intolerance of religious freedom (not the freedom of worship, we had that discussion a moment ago). But the growing intolerance toward religious freedom here at home—i.e., in the marketplace—is giving rise to persecution abroad.

And the reason I say that is because when we no longer make it a priority here domestically, that sends a message to bad actors abroad that America no longer puts a high priority on religious freedom, so we don't have to worry about them acting against us or moving against us, based on that.

I mean, you look at the case of the U.S. Department of Health and Human Services mandate in the Hobby Lobby case, which had to go all the way to the Supreme Court to give privately held businesses the right to exercise their religion under the Religious Freedom Restoration Act.

So I think to your question, Senator, absolutely. We need to do a better job here at home.

Senator DAINES. All right. Thanks, Mr. Perkins.

Mr. Sekulow, do you have a thought on that?

Mr. SEKULOW. Senator, I want to be careful and put this into perspective. I don't think we can compare a situation in the United States, which I would classify as acts of religious discrimination that do exist, and Hobby Lobby was, in my view, an example, as Tony shared the same thing.

But that is not on the same level of religious persecution where people are having their throat slit, being crucified or beheaded. So I think the question is, even when we get Supreme Court cases we

disagree with the Supreme Court on, I would not trade the U.S. system for any system in the world. And I still think we have the ability, because of the constitutional framework that we have and that we do protect—at the end of the day, we protect religious freedom. It may take court action, but at least we have a court action you can take to do it. These countries don't have that.

So I am always careful to compare. I don't want to conflate religious discrimination with religious persecution. But I don't ever want it to be perceived that the United States of America does not have the moral clarity to move forward on this because my grandfather, like your family, came from Russia. He was a fruit peddler in Brooklyn, New York. And his grandson, despite Supreme Court cases in between that he probably would have agreed with or not agreed with, but his grandson gets to appear before this distinguished subcommittee and argue cases at the Supreme Court of the United States.

I think we have the best system in the world, even with its faults.

Senator DAINES. I completely agree, and I am out of time, and how can I top that?

Senator GRAHAM. Senator Boozman.

Senator BOOZMAN. Thank you, Mr. Chairman.

And thank you all so much for being here.

Mr. Ambassador, one of the things that I hear about, right at the top of the list at home, is the concern that we have all of this stuff going on overseas but the administration just simply, for whatever reason, won't verbalize what is actually happening.

I will give you an example. When the administration publicly responded to the beheading of 21 Egyptian Coptic Christians in Libya, they failed to mention that their faith, their religious belief, was the primary motivator of their murders. As the Ambassador-at-Large for International Religious Freedom, can you explain why the administration simply refuses to call by name the religious persecution of Jews and Christians by ISIS?

Again, that is just basic. If we don't understand the problem, and we don't identify the problem, we don't talk about it, I don't see how you can solve the problem.

Ambassador SAPERSTEIN. The administration was absolutely clear that the people who were killed were Copts, and that they were killed because of their religious identity.

The controversy was about one time in I think an L.A. Times op-ed, in which the President referred to them just as Christians, which also raises the religious identity as a defining aspect here.

But he himself and others in the administration and throughout the State Department have talked very openly about the fact that these were Copts, and we have spoken out on behalf of the Coptic community over and over and over again. It is a priority for me.

Senator BOOZMAN. Do you agree, then, that they were killed because—

Ambassador SAPERSTEIN. I think it is clear that that was the reason. I think it is clear that that is the reason a lot of the minorities that they kill are killed, because of their religious identity and belief, and that includes the Christian communities of the Near

East and the Coptic community of those in Egypt who were working in Libya.

Senator BOOZMAN. Good, because, you know, us on the subcommittee, because of being on the subcommittee, have travelled a lot. We have all been in the Middle East many, many times. And I don't think I have ever sat down with an Ambassador or somebody in one of those countries that they wouldn't readily admit the same thing. I mean, this is foolish to tread so lightly.

After Egypt and the United Arab Emirates carried out airstrikes in Libya in response to the beheading of 21 Coptic Christians, a spokesman for the Department of Defense said that the U.S. did not support these efforts. Again, should we publicly be condemning our allies that are basically trying to support their people of their country trying to protect their religious beliefs?

Ambassador SAPERSTEIN. That is a statement that I am not familiar with. You would have to address it to the Department of Defense.

Senator BOOZMAN. But would you agree with that?

Ambassador SAPERSTEIN. With?

Senator BOOZMAN. Do you agree that we should come out and say that we don't support the Egyptians for trying to protect their people and their religious beliefs?

Ambassador SAPERSTEIN. I think that Egypt should protect their citizens, their religious beliefs. I think Sisi, who has many problematic actions in the broader human rights field, has made some progress in terms of confronting extremist interpretations of Islam, and calling on Islamic religious leaders to begin to push back very hard about that, and he has been more open to the Coptic community than his predecessors. But there are still problems, and we are dealing on an ongoing basis with the Egyptian Government over the problems that exist, over the rights of the Coptic community to live openly and freely with equal protection in Egypt.

Senator BOOZMAN. Right. So I guess what I am saying is it is not one thing, it is just thing after thing. The delay in your nomination, the fact that that was vacant so long. The fact that we still don't have the special envoy to promote religious freedom of religious minorities.

Again, and I think you would agree it's lots of tiptoeing around these statements that come out as to what is going on. It is just one thing after another.

And as a result, I think Americans are very, very concerned about, again, not identifying a problem and treading so lightly as to calling a spade a spade.

Ambassador SAPERSTEIN. I think there is legitimacy to different narratives and another narrative would be this President in India dealing with religious freedom as bluntly as he has done, at the National Prayer Breakfast being so forceful, in terms of the imprimatur that the administration has given me to empower me in the work that I am doing, the fact of how open the entire State Department has been to this religious freedom agenda as a crucial agenda.

Whether it is a change or just different things going on at the same time, I actually think there is a legitimate narrative that

says that this is an administration and Secretary of State and a President that cares deeply about this issue of religious freedom.

Senator BOOZMAN. Right. No, I understand. And yet, again, as I travel about Arkansas and other States, the average person hasn't understood that narrative.

Ambassador SAPERSTEIN. Well, if that is the case, then we have work to do to help bring what is a very real aspect of the work of the United States Government more clearly to the American people. So I take that challenge seriously.

Senator BOOZMAN. Thank you.

Ambassador SAPERSTEIN. May I just have 10 seconds to respond to the bishop and your colleague here?

In addition to everything we have done on Uighur Muslims and Tibetan Buddhists and the Falun Gong, and all the other religious groups, in every report, and back to when I chaired the commission, the first commission, everything that they have done, we have spoken out over and over again about the rights of the church to name its own bishops. We have spoken out on behalf of Bishop Ma. It has been a consistent message that we have done.

So I want to reassure you that there has been a very strong positioning of the United States Government on behalf of the rights of the Catholic community to choose to work with the Vatican as their organizing religious authority.

Senator BOOZMAN. Okay, I am going to take my 15 seconds back.

Senator GRAHAM. You can take it all.

Senator BOOZMAN. Thank you, Mr. Chairman.

Let me just close with a question for the bishop and Mr. Sekulow and Mr. Perkins. You all have highlighted various things about the United States' obligation under international and domestic law to uphold and protect our religious freedoms. If you just had one thing, a message to us as to what you feel like Congress needs to be doing, could you talk to us for just a second about that?

Bishop CANTU. Sure.

And just reiterating the message, as I visited the displaced persons in Kurdistan, I promised them that I would bring their stories back to the U.S. And so I hope to do that, and I brought their message here today, protection, protection for the religious minorities in that part of the world, and Iraq; aid, humanitarian aid; and development; health care; and education.

Mr. SEKULOW. Senator, we would request that the subcommittee and through the Congress amend the International Religious Freedom Act to include nonstate actors, and that as part of that, that section 405 would bar from entering the United States and freeze the assets of any government officials or their agents who have engaged in particular acts of religious persecution and violations; work with our European allies to ban from entry and freeze assets of government officials who have engaged in these types of activities. I think that choking off the money would do a lot.

Mr. PERKINS. I would, again, say that today is a significant step forward in sending the message that the Senate, along with the House that has been holding hearings on related matters, is taking this seriously. Now, in DC, in the city of meetings, it might not mean a whole lot. Internationally, though, the fact that you have called a hearing on this topic is sending a strong message.

In addition to what Mr. Sekulow said, I don't think we need new laws, necessarily, at this point. But I would urge you, as you hold further hearings on this, that you call members of the State Department forward, the Secretary, and just ask as to whether or not the International Religious Freedom Act is actually being followed.

There is no evidence to suggest that it is being followed by the letter of the law.

Senator BOOZMAN. Thank you, Mr. Chairman.

Senator GRAHAM. Mr. Ambassador, you are the right guy at the right time. Whatever problems we have had in the past, let's try to correct them in the future.

A hearing without action is just a meeting. I didn't convene a meeting. I want a result and action.

Thank you all. This has been one of the most impressive hearings I have ever attended. I think I am better off for it, and I hope the subcommittee will take your suggestions to heart, and I predict we will.

ADDITIONAL COMMITTEE QUESTION

If there are no further questions this afternoon, Senators may submit additional questions for the record. We will keep the record open until Friday, March 13, and request the Department of State's response within 30 days.

[The following question was not asked at the hearing, but was submitted to the Department for response subsequent to the hearing:]

QUESTION SUBMITTED TO HON. DAVID N. SAPERSTEIN

QUESTION SUBMITTED BY SENATOR MARK KIRK

Question. Assyrian Christians, including women, children, priests, and the elderly are being driven from their homes, kidnapped, violently attacked and in many cases killed by the Islamic State or ISIL in Iraq and Syria. Further, ISIL is destroying and eliminating ancient cities that are thousands of years old. I understand you have recently met with leaders from the Assyrian Christian community who expressed their desperation. In addition, the Assyrian community in Iraq as well as in the U.S. has requested a safe haven to protect hundreds of thousands of refugees.

What steps has the U.S. taken to protect the Assyrian Christian community in Iraq and Syria? Specifically, is the Department of State considering supporting the establishment of a safe haven for the protection of Assyrian Christians against ISIL?

What is the U.S. policy on preserving the cultural and religious heritage of Iraq and its indigenous people?

Answer. The State Department is intensely focused on the safety and rights of members of Iraq's and Syria's vulnerable populations, including religious and ethnic minorities. Protecting these communities in the face of the existential threat the Islamic State of Iraq and the Levant (ISIL) poses is a part of our regular diplomatic engagement, as well as one of the priorities of our counter-ISIL strategy and of the 62-nation international counter-ISIL Coalition.

The U.S. Government has regular and ongoing contact with leaders of these groups in the United States and throughout the Middle East region to discuss their wellbeing and needs. Our contacts include leaders and activists of Christian, Yezidi, Sabean, and other communities, civil society and clergy members, minority diaspora, and advocacy groups. On March 9, Assistant Secretary for Democracy, Human Rights and Labor Tom Malinowski and I met with bishops from the Assyrian Church of the East to discuss ISIL's attack on the Assyrian villages on the Khabour River. We are closely monitoring the ongoing fighting between ISIL and the Assyrian and Kurdish forces for control of villages on the northeast bank of the Khabur River. We relay information being shared with us from all sources about this fighting to all appropriate entities within the U.S. Government so that it can be analyzed

and evaluated for appropriate action. In recent days, the Coalition conducted multiple airstrikes in Hasakeh province in order to degrade ISIL capabilities there. We are also concerned about the several hundred people that were taken captive. We also understand that 4,000 to 5,000 people fled the fighting and are currently displaced, and we are working with our aid implementing partners to address their humanitarian needs.

In Syria, the United States will continue to work toward a negotiated political solution that produces a stable, inclusive Syria for people of all ethnic and religious identities, free from the tyranny of the Asad regime and the terror of ISIL. We support programs to empower religious and ethnic minorities and promote tolerance and reconciliation to counter rising sectarian tensions; for instance, we have hosted multiple Syrian interfaith events that featured prominent Syrian clergy of all backgrounds with large followings.

In Iraq, we are working with the Government of Iraq, the United Nations, and our Coalition partners to create the conditions for the displaced to return to their homes as soon as possible, and we will continue to press the Government of Iraq and support its efforts to this end. This includes support for efforts to devolve power from the Federal Government to provincial and local authorities as a mechanism for protecting the rights of all Iraqis and to preserve the unity and long-term stability of Iraq. We are also supporting Iraq in its efforts to create a National Guard, which would provide a stable mechanism for local communities, including minority communities, to take more responsibility for their own protection while receiving the resources and training needed to do so.

ISIL has sought to erase the heritage of any person or group contrary to the monolithic vision it claims as its ideology. Recently, the world watched in disbelief as ISIL bulldozed the ancient remains of the citadel of Nimrud, dating back to the 13th century BC. On February 26, ISIL also released a video of its fighters destroying Mosul museum artifacts from the Assyrian and Akkadian empires, an offense against the cultural heritage of the entire world. In our efforts, we will remain dedicated to preserving the rich cultural and religious heritage of Iraq from the incursion of ISIL.

In both Iraq and Syria, we will continue to degrade and ultimately defeat ISIL, and we will work to support the development of stable, inclusive societies that respect diversity and governments that guarantee human rights to all individuals, including religious and ethnic minorities.

SUBCOMMITTEE RECESS

Senator GRAHAM. The subcommittee stands in recess, subject to the call of the chair.

[Whereupon, at 3:30 p.m., Wednesday, March 11, the subcommittee was recessed, to reconvene subject to the call of the Chair.]